

FIFTEEN YEARS AFTER TIANANMEN: IS DEMOCRACY IN CHINA'S FUTURE?

HEARING BEFORE THE CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA ONE HUNDRED EIGHTH CONGRESS SECOND SESSION JUNE 3, 2004

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THURSDAY, JUNE 3, 2004

CONGRESSIONAL-EXECUTIVE
COMMISSION ON CHINA,
Washington, DC.

The hearing was convened, pursuant to notice, at 10 a.m., in room SD-419, Dirksen Senate Office Building, Representative Jim Leach (Chairman of the Commission) presiding.

Also present: Senator Chuck Hagel, Representative Sander M. Levin, and Representative Joseph R. Pitts.

OPENING STATEMENT OF HON. CHUCK HAGEL, A U.S. SENATOR FROM NEBRASKA, CO-CHAIRMAN, CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

Senator HAGEL [presiding]. Good morning. Congressman Leach and our House colleagues are presently voting, I think, and they will be here after they vote. But since we had scheduled a hearing at 10, we wanted to stay on course. So, Congressman Leach has asked me to preside until he returns. The Co-chairman of this Commission rarely gets any areas of responsibility, so I jumped at the chance, of course, to open the hearing.

Fifteen years ago, the People's Liberation Army cleared Tiananmen Square of the peaceful demonstrators who had held it for several weeks. The shocking sounds and images of unarmed students and workers gunned down by Chinese troops remain vivid in our minds. The demonstration was crushed that awful day, but the optimism and possibilities represented by those fighting for a future democratic China were not. We meet today to remember their voices, and assess China's progress in meeting their goals.

I am especially pleased that this Commission will hear today from two leaders of the 1989 democracy movement, Mr. Wang Youcai and Ms. Lu Jinghua. These individuals have never given up the struggle for their country's democratic future, and their insights and sacrifice will greatly inform today's proceedings.

Mr. Chairman, I congratulate you for holding today's hearing. China today faces important choices for its political future. These choices will affect the lives and welfare of all Chinese citizens, but China's size and growing importance guarantee that these same choices will reverberate around the globe in ways that we can only dimly predict and understand today. China's future is also important to America's future. It is in our interest to work broadly and deeply with the Chinese Government using all the bridges and op-

portunities available to us to help shape and ensure a democratic future for China.

China is a much-changed and much-changing place. The results of two decades of market reforms are visible nearly everywhere. The cold, gray Beijing airport where I first saw China on New Year's Day in 1983 has long been replaced with a state-of-the-art facility. The skylines of China's major cities have changed dramatically. These are the most prominent symbols of China's new wealth, but the economic reforms that generated these changes have also fundamentally altered the dynamics that will define China's future.

The economic realities of building a modern nation while feeding, clothing, and employing 1.3 billion people have begun to drive China in directions that, I believe, some within the Communist Party have not wanted to go. The twin demands of political stability and continued economic progress have spurred legal reforms that someday may be the leading edge of constraints on the arbitrary exercise of state power. Elections at the village level are now commonplace in China, and limited experiments like these continue at other levels of government. Shanghai is experimenting with public legislative hearings, and the term "human rights" was recently added to China's own constitution.

While these changes are important, the gap between forward-looking economic freedoms and a backward-looking political system remains significant. The Communist Party continues to crush any person or movement it perceives as challenging its hold on power. But there are leaders now within China that comprehend the necessity for change, and understand that inflexibility, secretiveness, and a lack of democratic oversight now pose the greatest challenges to continued development. President Hu Jintao and Premier Wen Jiabao have demonstrated, albeit unevenly, that they may be two such leaders, but they will need to gather considerable reformist courage to drive continued change. Not overnight, but in ways that Chinese society, culture, infrastructure, and institutions may be prepared for, and willing to accept.

With no voice in their own political future, the frustration of China's citizens is growing. The political scientist Murray Scot Tanner cites police figures in the current issue of *National Interest* showing the number and size of protests in China growing rapidly in the 1990s. It is extraordinary that China's ruling party came to power in a peasant revolution, representing the working class, but now faces waves of both worker and rural protests. China's citizens are fed up with corruption, a social and economic ill that China's student demonstrators both recognized and offered a democratic solution for in 1989.

The United States wants to work with China to build a more open and participatory society. David M. Lampton wrote in the fall 2003 issue of *National Interest* that "Americans must balance the impulse to treat China as it is with the foresight to recognize China for what it may become." China will not match the United States on every issue. Political change is complex and imperfect, and it will be up to the Chinese people to determine where their country goes and how it gets there. But China's leaders must take the first steps, and the United States must be ready to assist.

This morning we have two panels that will offer testimony and opportunity for questions and answers, which we very much appreciate.

On our first panel is Randy Schriver, who is the Deputy Assistant Secretary of State for East Asia and Pacific Affairs at the State Department.

Mr. Schriver, we appreciate you being here this morning and look forward to your testimony. Please proceed.

STATEMENT OF RANDALL G. SCHRIVER, DEPUTY ASSISTANT SECRETARY OF STATE, EAST ASIAN AND PACIFIC AFFAIRS, U.S. DEPARTMENT OF STATE, WASHINGTON, DC

Mr. SCHRIVER. Mr. Chairman, thank you. I appreciate the opportunity to appear before the Commission today on this, the 15th anniversary of the Tiananmen Square crackdown.

Mr. Chairman, I will summarize my comments, but have a longer statement I would like to have included in the record.

Senator HAGEL. Mr. Schriver, your full statement will be included in the record, as will all witnesses' statements. Thank you.

Mr. SCHRIVER. Thank you, Mr. Chairman.

Anniversaries, of course, are a good time to look back and reflect, but also to look forward and examine trend lines and to think about our actions and what we may be able to do to affect the trend lines.

The tragedy of Tiananmen which occurred 15 years ago still resonates today. This is a tragedy that former Ambassador Jim Lilley described in his recent book, "China Hands," quoting a Chinese professor, that this was an event "when even the heavens were saddened."

It still casts a long shadow over China today. You see it as the Chinese authorities exercise great scrutiny when people gather in groups larger than three or more in the Square.

You see it in the heartbreak of Tiananmen mothers who are asking for an accounting of their children who have been missing since 1989, and for these efforts, get detained by the Chinese authorities.

So, 15 years on, it does continue to cast a shadow and it is time for China to reexamine these events. It would be a reconsideration and an examination that is long overdue. When it does come, we are very confident that this will be to China's benefit.

While China today, Mr. Chairman, as you noted, is vastly different, it is more confident, influential, and prosperous than it was 15 years ago, Tiananmen will not become real history in the sense of becoming part of the past until its leaders address those events with honesty and with candor.

Former Party Secretary and Premier Zhao Ziyang famously observed at the time of those events that perhaps he arrived at Tiananmen Square in May, 1989 at a point that was "too late" to affect the outcome of those events. But it is certainly not too late for leaders of today, some of whom were actually with Zhao on that fateful day, to take steps to come to terms with the past and to help move China forward in a better direction.

As President Bush said in a speech to the National Endowment for Democracy on 17 May, there will come a day when "China's leaders will discover that freedom is indivisible, that social and re-

ligious freedom is also essential to national greatness and national dignity.”

For our part, we do continue to engage the Chinese leadership and the public directly on issues that were key and implicitly part of the foundation of the popular protests in Tiananmen 15 years ago.

If I could just briefly summarize some of the things the administration has done in the past year alone. U.S. officials in Washington, China, Geneva, and elsewhere publicly and privately highlight the need for improved human rights conditions.

We have called for the release of prisoners of conscience, and in recent days protested detentions of those like HIV-AIDS activist Hu Jia who seek to hold Chinese authorities accountable for their actions.

We have engaged in a wide-ranging bilateral human rights with China. We were optimistic over a year ago in 2002 when we felt as though that dialog was starting to yield some promising results.

Regrettably, the Chinese have failed to move forward with many of their promises from that dialog. This had a great impact on our decision to introduce a resolution to the U.N. Commission on Human Rights in Geneva this year to highlight our continuing concerns on human rights.

We have a resident legal advisor in China who works to promote the rule of law. We work in China with NGO's and Chinese entities to reform the judicial system, to improve transparency in governance, to protect worker and women's rights, to promote best practices, and to strengthen civil society.

We continue to promote China's compliance with international labor standards through, among other methods, the Partnership to Eliminate Sweat Shops Program.

My written statement elaborates on some of these very important projects, and I would be happy to speak to them at greater length during the question period.

As I said in my statement before the Commission last year, we will continue to call on China to make the right choices. As long as we continue to have concerns about human rights and religious freedom, as long as China is either unable or unwilling to address them, we cannot realize the full potential of this bilateral relationship.

I would also like to say just a few words about America's engagement with China outside the area of human rights and democracy. Our relationship with a rapidly changing and dynamic China is, as Secretary Powell often says, too complex for a single sound bite, bumper sticker, or slogan. But we are committed to building the kind of relationship with China that will promote a broad range of U.S. interests.

Right now, examining our current relationship, we are working on a wide variety of issues, including North Korea, counter-terrorism, trade, and nonproliferation, where we do have very frank discussions and we do have an opportunity to advance an important agenda that supports U.S. national interests.

Of course, a few comments about America's interest in our relationships with Taiwan and Hong Kong would be appropriate before I close.

First, with respect to Taiwan, the administration welcomed the responsible and constructive tone struck by President Chen Shui-bian in his May 20 inaugural address. We hope this message will be greeted positively in Beijing and that the PRC will take this as a basis for dialog, and which can lead to a peaceful dialog between the two sides so they can resolve their outstanding differences.

I would also note that, despite some very harsh rhetoric in Beijing's 17 May statement, particularly some very unhelpful comments and harmful comments related to the potential for the use of force, there were also constructive elements in Beijing's statement. So, we do hope that there is something for the two sides from which to build.

As the President has said numerous times, our "one China" policy is unchanged and we will continue to honor our commitments and obligations under the Taiwan Relations Act, as well as the U.S.-China joint communiques.

In the final analysis, the Taiwan issue is for the two sides to settle in a way that is acceptable to each, without the use of force and without attempts to impose unilaterally changes to the status quo.

As for Hong Kong, we are supportive of the principle expressed many times by the Chinese themselves, that the people of Hong Kong should govern Hong Kong. We have been very clear about our view. Our longstanding policy is that Hong Kong should move in the direction of greater democratization and universal suffrage.

Though the Chinese have also reaffirmed this, as recently as April this year, the Standing Committee of the National People's Congress in Beijing has made decisions that will inhibit the pace of democratization. Beijing and the Hong Kong government should take steps to ensure sustained movement toward a government that truly represents the people of Hong Kong. Ultimately, the pace and scope of political evolution in Hong Kong should be determined by the people of Hong Kong themselves.

To close and to get back to the theme of today's hearing, I would wrap up by quoting Secretary Powell when he spoke at the Bush Presidential Library in College Station, TX, last November. This is a statement that, of course, remains very true today.

Secretary Powell said, "Only by allowing the Chinese people to think, speak, assemble, and worship very, very freely, only then will China fully unleash the talents of its citizens and reach its full potential as a member of the international community. For our part, America hopes to work with China to help the Chinese people achieve their dreams, their hopes, their aspirations for a better life for their children."

By dealing with the aspirations of those who assembled in Tiananmen 15 years ago, China can begin to realize the potential about which the Secretary spoke.

Thank you very much, Mr. Chairman. I look forward to your comments and questions.

[The prepared statement of Mr. Schriver appears in the appendix.]

Chairman LEACH. Thank you, Mr. Schriver.

Let me apologize, that on the House side we do have a vote that is under way, so that has caused a bit of delay. But we thank you for your thoughtful statement.

Let me just put things somewhat in context. We are here not to celebrate but, to acknowledge one of history's great cries for democracy, the Tiananmen Square incident, and ask the question of whether the echoes of that cry are still being heard, and are they being heard principally outside China or inside China, and what kinds of evolution is occurring on the democratic side within that great society?

My sense is that, at a freedom of speech level within the family, within maybe office space in universities and other kinds of communities, that there is a little more freedom of speech, but public dissent is virtually non-existent.

Have you sensed any strides on the democratic side, on this, the fifteenth anniversary of Tiananmen, and does the State Department assess that sort of thing?

Mr. SCHRIVER. I think if you look at the period from 1989 until today, unquestionably there have been progress and developments that we view positively in China. I think you have noted some, and Senator Hagel, in his opening statement, noted some.

The problem from our point of view, is the pace and scope of this change is not happening rapidly enough, and in some key areas has not really evolved at all. I think you touched on probably the most prominent of those, the ability to voice your dissent on government policies to the authorities. There has not been very much progress in that area.

So, broadly speaking, things in China are getting better. The sort of objective standard of man-on-the-street quality of life, things are better, but certainly not moving at a pace and scope that we would be comfortable with and we think would be better for China and for its people.

We, of course, note a lot of the areas of concern in our Human Rights Report and in the resolution we offered in Geneva. So in certain key areas, the progress is just not where it should be.

Chairman LEACH [presiding]. Well, I have a bit of an aberrational perspective. That is, I think people misunderstand American society, and possibly misunderstand Chinese history in the sense that we are a society that had developed separation of powers.

We are also a society that quadruplicated that system with the separation of powers at the state, the county, and the city levels. So, we have always had a tension between, as well as within, levels of government and we have a decentralized democracy.

China also has a great tradition of decentralization in the struggle to have a central authority, in some ways, but historically, the parts have been dominant relative to the center.

This is a tradition that is good to draw upon rather than bad to draw upon. If you combine decentralization with democracy, you have a prescription for incredible vitality.

I raise this in the sense that you have kind of two examples, and a third that is not really an example, but it is a model of decentralization authority in China, one being Hong Kong, another being Taiwan, both very different, and then a third nation-state, which is Singapore, which is heavily Chinese.

But it is interesting to me that in Taiwan democracy is working, in Singapore democracy is working, in Hong Kong, a quasi-democracy is under way, and aspirations for a fuller democracy are clear-

ly in place. All three of these places are doing incredibly well, and these are models for Chinese society, it seems to me, that stand out.

Now, I raise them in the context, both as models, but also as sticking points. Hong Kong is obviously a sticking point for Beijing decisionmaking, and it has been a bit imperfect to date. It almost seems as if they are fearful of more democracy, fearful that the model might work.

In Taiwan, where you have democracy, one is apprehensive that miscalculations can occur. Here, I want to compliment the administration in particular on what I consider to be a very thoughtful articulation of views, both reflecting the history of American involvement on the cross-Strait relations issues, but also underscoring our concern that miscalculations can occur. I am personally very apprehensive about irrational acts and irrational statements and miscalculations that could lead to astonishingly difficult moments in the cross-Strait circumstance.

So, what I would principally like to ask is how you assess Beijing's reaction to President Chen's statement in the sense of, are there responses the U.S. Government has received, and are we advocating confidence-building kinds of measures that can follow on to both of these speeches, both the May 17 Chinese speech and President Chen's speech, in ways that can be constructive?

Mr. SCHRIVER. Thank you, sir.

Well, in terms of Beijing's reaction to the inaugural, of course, they preempted it somewhat by releasing a statement three days prior to the inaugural which had, unfortunately, some very harsh rhetoric. But there were, as I noted in my statement, some constructive elements there.

For our part, what we are attempting to do in our respective dialogs with Beijing and with the Taiwan authorities is to try to highlight the fact that each side has made some compromises in terms of just the rhetoric in these two statements, as well as laid the potential foundation and basis for dialog. There is a great deal of work that the two sides would have to do to make that bridge to actually get to the point where they can sit down at the same table.

But we think both sides have taken constructive steps, and for our part, again, in our dialog with Beijing and with the Taiwan authorities, we try to highlight that and encourage them to take advantage of this opportunity, and advantage of the fact that we think the trend lines are moving modestly, but moving in the right direction.

Mr. Chairman, I would be remiss if I did not note your own constructive role in this with your participation at the inaugural and the important messages that you conveyed in Taipei.

It is things like that visit and other efforts at dialog with the Taiwan authorities where we hope to be as clear as possible about our policy, and as clear as possible about the direction we hope the two sides will move. I think the foundation may be there, but there is an awful lot of work that remains for the two sides.

Chairman LEACH. Well, thank you.

Mr. Chairman, I would just wish to seek unanimous consent to place a statement that I gave to the Library of Congress a couple

of weeks ago, and a statement that I intended to open with today, in the record.

Senator HAGEL. Well, Mr. Chairman, I would move that that unanimous consent request be approved, and would formally hand the gavel back to you, so you do not need my permission any more on these things.

So, Mr. Chairman, here is the gavel.

[The prepared statements of Representative Leach appear in the appendix.]

Senator HAGEL. Now, may I ask a question?

Chairman LEACH [presiding]. Senator Hagel, you are recognized for as long as you see fit.

Senator HAGEL. Thank you, sir. Thank you, sir. It does not happen often in this business.

Thank you, Mr. Schriver, for coming before us and for the good work that you and your colleagues are doing. I would add my endorsement to your comments regarding Chairman Leach's presence in Taiwan at the inauguration, and the instructive and important contributions that he made in what he had to say, and the relationships that he further developed there.

So, I acknowledge that and thank Chairman Leach for what he continues to do in regard to development of our very critical relationships in that part of the world.

A general question. What impact do you believe we have had, the U.S. Government, on human rights in China since 1989? As you have developed some of the projects, programs, accomplishments and changes in your testimony, and in response to Chairman Leach's questions, generally, have we been helpful and effective? Realizing it is imperfect, but address that in maybe a more general universe.

Mr. SCHRIVER. Yes, sir.

Senator HAGEL. Thank you.

Mr. SCHRIVER. I think it is, of course, challenging to speak with great specificity because there are a number of factors that would impact the pace of change in China, but I think our programs have been effective in a number of areas.

Capitalizing on China's interest in modernizing its economy and becoming a part of the global economy, its interest in joining the World Trade Organization, we have had many programs and efforts designed to help China meet its obligations, understand rule of law, and particularly in areas related to commercial law. I think there is spill-over and residual effects on human freedoms in that area.

We have had a number of efforts under this rule of law program to train judges, to train lawyers, and although the ultimate impact to fully understand it may be, in fact, years from now, I think we are starting to see the signs that this is having an impact on how the Chinese conduct themselves in the legal area and in the area of judicial reform.

So, I think as a general point, we are having a positive impact. It is, of course, easier when you have willing participants on the Chinese side, and that is why I think we have had greater progress in commercial law and in trade areas. But even in the areas that are more contentious, I think we have had a positive impact.

These are not static programs and it is not a static situation. We do seek to learn and evaluate the success or limitations of our programs and try to fine tune them so that we can have the right kind of impact that we want.

Senator HAGEL. Thank you.

How would you rate U.S. bilateral talks, dialog with China on human rights with other countries' efforts in this regard with China?

Mr. SCHRIVER. It is improving. I would have to very much praise the efforts of my colleague in our Democracy, Human Rights and Labor Bureau, Assistant Secretary Lorne Craner, who has made this a central part of his effort to address China, and that is to reach out to colleagues in the EU, and others, who have dialog with the Chinese in the area of human rights.

It is important to find out where they are having success, where they are meeting limitations, and understand what is working and not working from each other's perspectives. There are also very tangible ways, things like exchanging prisoner lists and data that perhaps other countries have that we do not have.

Again, praising my colleague Mr. Craner, this has been a central part of his effort to address the human rights situation in China, and I think this has vastly improved.

Senator HAGEL. Thank you.

You noted this, I believe, in your testimony, but just to review a point and then to get to the question. China's National People's Congress issued a series of decisions in April of this year regarding the possibilities for universal suffrage in Hong Kong.

Here is the question. How do you interpret what appears to be China's harder line regarding Hong Kong?

Mr. SCHRIVER. It is something I always do with great trepidation, try to identify the precise rationale or thinking behind these moves by the Chinese. I suspect it emanates from some very fundamental discomfort with democracy, and they perhaps might look at the experience on Taiwan to inform themselves of that. And it also relates to their attempt to balance stability and economic progress with political evolution.

I think they are coming down on the wrong side as they make these decisions, and ultimately they may not achieve the stability they hope for as people in Hong Kong start to read these actions for themselves and see them as inhibiting the pace of political evolution.

So, we think the key is not to challenge Chinese sovereignty or to question the Basic Law or the system of one country, two systems, because the foundation for success is there if all of this is faithfully implemented.

The challenge is to meet the aspirations and the expectations of the people of Hong Kong, and that is why, in the statement, I said that should be the ultimate determiner of the pace and scope of change in Hong Kong, the desires, aspirations, and expectations of the people themselves. If Beijing makes decisions that meet those aspirations, I think that is a better recipe for the stability that they desire.

Senator HAGEL. Following in that same vein, a larger internal political question. Recent stories in our newspapers have focused

on the possibility of a significant internal struggle going on within the Chinese Government, the new leadership under President Hu and Premier Wen versus the former president, President Jiang, and other leaders of his administration.

First, do you believe there is an internal struggle going on, and how is that affecting or not affecting what we are talking about here today? Thank you.

Mr. SCHRIVER. Thank you, Senator.

Again, it is an opaque situation for us on the outside, and difficult to make very precise observations. I think, at a minimum, there probably is some competition.

Perhaps you could imagine a spectrum on which on the one side would be sort of normal bureaucratic competition you might find in any government, allies of one camp or another vying for power and influence, and perhaps on the other side of the spectrum would be much more sort of adversarial competition between two ideological camps, and perhaps the truth lies somewhere on that spectrum. It is hard to say.

But there is ample evidence that there is some competition under way between Jiang Zemin, his followers, and those of the next generation of leadership. How it impacts decisions and policies coming out of Beijing, again, very difficult to say. I think it, at a minimum, makes it more difficult for the new leadership to be political risk-takers, to think creatively and to be forward-looking on sensitive issues like Hong Kong and Taiwan, and human rights domestically in China.

So, perhaps this new generation of leaders are, in fact, the ones who will ultimately make enlightened decisions and choices about these kinds of things, but I think the current competition, or struggle, whatever phrase you want to use, probably does place limitations on them right now.

Senator HAGEL. Thank you.

You mentioned China's entry into the WTO, the United States' efforts over the years to help bring that about. I happen to support that effort and agree with that action.

The question is what role should there be, if you believe there should be one, for U.S. companies, commercial interests, to help promote human rights development?

Where is that line? Is it all woven into the same fabric? Is it part of that responsibility, as you have noted, the WTO entry, and to your answer regarding overall human rights efforts, that we have helped achieve?

Mr. SCHRIVER. Yes, sir, I think there is a role. In fact, of course, there are certain legal requirements that U.S. companies must meet, and implicit in that would be their requirement to have programs to make sure that there are certain standards in the labor that they use, and in their practices in China.

But I think it is in U.S. companies' interests to have a China that is essentially moving forward in the area of human rights, and in particular in areas like labor standards, health and safety standards.

Companies can play a role just by demonstrating best practices through training and through more formal programs at a pace and scope that China is comfortable with, but I think it is a very impor-

tant contribution to the landscape in China and how things will change.

Senator HAGEL. Do you think our U.S. business interests are doing enough in this area?

Mr. SCHRIVER. Well, I think it is a challenge for them to be really leaning forward far, because they have to operate in a difficult environment in China. But I do think that, for the most part, U.S. companies are doing the right thing and playing a constructive role.

Senator HAGEL. Mr. Schriver, thank you.

Mr. Chairman, thank you.

Chairman LEACH. Well, thank you, Mr. Chairman.

Mr. Levin.

Representative LEVIN. Thank you. I am sorry I missed your testimony. We had a vote in the House.

Sir, let me just ask you a couple of questions. I think we expect you to be somewhat cautious in your answers. Our relationship with China is an important and not very easy one, so your being diplomatic is perhaps understandable. But I think it is useful for us to try to be as specific and to the point as we can within your responsibilities.

When we worked on China PNTR, the basic notion was that we needed to combine engagement and pressure. Today's hearing, in a sense, is a test of that approach. So let me just follow up Senator Hagel's question about Hong Kong and what our reaction was when the Chinese Government essentially said to the people of Hong Kong, "You are not going to select the chief executive and there is not going to be the promised, or planned, or prospective election legislatively." What did the U.S. Government say, formally, and who said it?

Mr. SCHRIVER. Yes, sir. We did a variety of things, publicly and privately. We expressed views to representatives in Beijing, in Washington, and to the Hong Kong authorities directly.

But publicly, I would actually have to check the record. I think it was a White House statement. But certainly there would have been State Department support for that, and certainly speaking from the podium, our spokesman, I know, has addressed this through questions many times.

We think it was a decision, though, within China's right, as laid out in the Basic Law, as the sovereign, to have a say in these matters. We think it is was a decision that was unhelpful and, ultimately, counterproductive.

As I said, if China is seeking to balance economic prosperity and stability with the political evolution, we think they are coming down on the wrong side with these decisions.

Hong Kong is one of the most sophisticated, modern, cosmopolitan cities in the world. Clearly, Hong Kong residents are ready for greater political participation and freedom, and clearly they have aspirations and expectations that the Chinese have helped create that now China is not meeting.

So, this is not a recipe, we think, for the things that even China wants, the stability that they profess to want. We think that there will be a negative reaction among the people of Hong Kong to these

decisions. We have made that known publicly and we have expressed that in our representations in the capital in Beijing.

Representative LEVIN. And so you said it is what China wants, you are referring more broadly. Why was the action taken by the Chinese Government if it is clearly not what the people of Hong Kong wanted?

Mr. SCHRIVER. Well, sir, again, being an opaque system, it is always hard to state with great specificity the rationale behind these decisions, but one could probably guess that it has a couple of motivations. Clearly, China has a profound discomfort with democracy, and perhaps that is informed by the experience they see unfolding in Taiwan, perhaps it is informed by some of their own history, and so they are determined to have a very firm grip on the pace and scope of democratization there.

But, also, there appears to be some calculation that this is a move that will enhance stability at the cost of political evolution. We think that calculation is wrong.

Representative LEVIN. Stability where?

Mr. SCHRIVER. In Hong Kong.

Representative LEVIN. In Hong Kong or the rest of China?

Mr. SCHRIVER. Well, I think if they—

Representative LEVIN. It is not Hong Kong's stability that is in question, is it? You said you think they think that democracy in Hong Kong would destabilize Hong Kong or destabilize China outside of Hong Kong?

Mr. SCHRIVER. Again, sir, all this is speculative on the Chinese rationale. But I think they were unnerved by 500,000 people taking to the street last July 1, and then another very large protest over the winter, to the extent that they became uncomfortable with the pace of change in Hong Kong and the prospects for stability in Hong Kong. So, I think their decisions were motivated by trying to seek stability both in Hong Kong and in China.

Representative LEVIN. I think that is too diplomatic. In this sense, I do not think democracy is a challenge to stability in Hong Kong.

Mr. SCHRIVER. I agree with you.

Representative LEVIN. I mean, 500,000 people in the streets? There were 500,000 people in the streets of Washington a few months ago.

Mr. SCHRIVER. I agree completely with you. I was trying to take a guess at what might be motivating the Chinese, and I think they do come down on the wrong side of this calculation.

Representative LEVIN. All right. Then one other question, Senator Hagel. I am sorry, Mr. Leach, I missed your questions.

He asked you about the role of the business community and about human rights standards and international labor standards. They are becoming more and more an issue as China competes.

We all know that China is more and more a competitive force in this world—by the way, it is in terms of energy purchases—as a reflection of their economic growth, which has been pronounced. So as they compete, more and more it raises the issue of whether they are going to, over time, and in not too long a time, begin to comply with recognized standards, both human rights standards and with internationally recognized labor standards.

On page 4, when you discuss that we are also promoting China's compliance with international labor standards, you refer to the Partnership to Eliminate Sweatshops Program. But I think everybody would acknowledge that that is, at best, one way to address it and it is not going to have, in the immediate future or foreseeable future, likely, a major impact.

So let me ask you this. When people in China raise questions about the failure of entities to meet China's own stated provisions, or where someone tries to group together within a factory when there are layoffs or when there is a failure to pay and those people are put in prison, which has happened, what is our policy? What is our program? What do we do?

Mr. SCHRIVER. Well, obviously, we take a very negative view of that. We are attempting, in a variety of ways, to address that. It will be addressed in a very senior dialog between our Secretary of Labor and Chinese counterparts, but it is also addressed through the programs that I have mentioned in the written statement.

But I think it is important to take a look at the lay of the land in China and to see that the evolution is very uneven, and in some parts of China they are having greater success at improving standards and conditions than others.

Representative LEVIN. What conditions? You refer to "conditions" meaning what?

Mr. SCHRIVER. Safety, worker rights.

Representative LEVIN. Worker rights. Do you think in some places, if I might ask you, and then I will finish, workers have more ability to protest than in others?

Mr. SCHRIVER. I think workers have had a better track record of success in attaining those rights. I think virtually anywhere in China, if you attempt to organize and approach your employer or approach authorities as part of an organized group, that is still regarded as a threat the authorities and they do not allow it.

But I think workers have attained rights at an uneven pace around China. And I think, particularly, this relates to the previous question, where there is a strong influence of American and Western companies, they have done better.

Representative LEVIN. You might supply for the record how you think worker rights differ depending on who owns the entity, because there is going to be increased pressure here as we expand trade with China that we not compete with them based on the suppression of workers.

I understand and hope I realize the complexity. I do not say it is simple. They have immense pressures in terms of added employment. But I do not think it helps to kind of sugar-coat what really is going on in terms of their becoming increasingly anything close to a free labor market there and the ability of workers to stand up for themselves. If that continues, there is going to be increased difficulty in our economic relationship with China. More and more, they are shipping goods here.

In fact, I read about, in Texas, some entrepreneurs, Americans, are opening up a dealership to sell automobiles made in China and shipped here, and they are going to sell them for \$8,000 or \$9,000, apparently. It is not clear what the quality is. But the more that flow goes back and forth, and I am in favor of flows going back and

forth, there is going to be concern about the basis for competition and the extent to which there are any standards at all abided by China in that competition. It is going to come not only from American workers, it is going to come from workers in Mexico, it is going to come from workers in other parts of Latin America, it is going to come from workers in other parts of Asia.

The Vietnamese and the Cambodians are very concerned about competition in apparel and textiles from China. We have taken steps to try to help, for example, Cambodia, move away from a Communist command economy toward a free society economically. If we just take no position or essentially say it is irrelevant, what China does, it is going to increasingly complexify our relationships and the support in this country and other countries for a free flow of goods. So, I think there is a need to be very direct and clear about this, and for there to be an active role for the U.S. Government.

Thank you, Mr. Chairman.

Chairman LEACH. Thank you very much. I have taken note of a new verb, complexify. I like it a lot.

Representative LEVIN. It is used in Michigan all the time.

Chairman LEACH. All right.

Mr. Pitts.

Representative PITTS. Thank you, Mr. Chairman. Again, thank you for holding this important hearing today.

Mr. Schriver, China will host the Olympics in 2008. Could you explore how this event could be used to bring improvements, lasting improvements, to the human rights situation in China, please?

Mr. SCHRIVER. Thank you, sir. It is an excellent question, because I think there is an opportunity for this very effect that you mentioned in the question.

Clearly, Chinese authorities understand that there will be a major spotlight on China as the Olympics approach, and of course during the event itself, so they will want to put the best face forward to the international community.

I would presume that would not include sustaining a lot of their current practices which are repressive to individuals and to organizations. So, as they prepare to host the Games, we would hope there is a debate going on among the leadership in Beijing about this very issue, how they might put the best face of China forward for the international community to see, and how human rights would be included in that. To get into specific measures, it is a little difficult. But I think we have seen historical examples of this. As a model, I think many people point to the 1988 Games in Seoul as having a very positive impact on the political environment there. So, this is an opportunity for China, and we hope that they seize it.

Representative PITTS. Thank you.

With regard to U.S.-Chinese discussions on North Korea, what changes do you believe will or will not occur in relation to the Chinese Government practice of forcibly returning North Korean refugees in China to North Korea? There are highly disturbing reports of the North Korean government's torturing, killing many who are returned to North Korea by the Chinese officials.

Mr. SCHRIVER. Yes, sir. We have not gotten a satisfactory response from the Chinese on this issue, despite having raised it in

a variety of fora and on many occasions, the senior-most levels included.

Our view is that the Chinese should do a number of things. They should allow international relief organizations into the area to provide support to the people who come across the border. They should allow, as they have committed to in an international convention, the United Nations High Commissioner for Refugees access to this area to evaluate the individuals and their particular cases as to how they should be handled.

And they should, of course, stop the most troubling practice, which is to forcibly return people to North Korea against their will. Again, I wish I could say that our representations have had an impact, but to date it has been unsatisfactory.

Representative PITTS. In your statement, you said, “regrettably, the Chinese failed to move forward with their promises”—this is regarding the human rights dialog—“especially those relating to visits by the U.N. Special Rapporteurs for Torture and Religious Intolerance, the U.N. Working Group on Arbitrary Detention, and the U.S. Commission on International Religious Freedom. We ended up introducing a resolution at the U.N. on human rights in Geneva this year.”

What indications are there that the Chinese Government will allow visits, sooner rather than later, of the U.N. rapporteurs or the U.N. officials?

Mr. SCHRIVER. Well, the impact of our decision to do this resolution has been, from the Chinese perspective, very negative. They, of course, halted our bilateral dialog on human rights and they have indicated that they will not move forward in areas that we have previously addressed in these bilateral discussions. However, we are aware that they have some ongoing discussions with these individuals and these organizations independent of our bilateral dialog, so perhaps there is room for progress even if our dialog is suspended.

On the particular individuals you mentioned, I am not aware that we should be optimistic for a visit in the near future. I am not aware that the Chinese have moved forward with any plans to host these visits.

Representative PITTS. Thank you, Mr. Chairman. I will submit my opening statement for the record.

[The prepared statement of Representative Pitts appears in the appendix.]

Chairman LEACH. Thank you very much, Mr. Pitts. Without objection, that statement will be placed in the record.

We want to thank you very much, Mr. Schriver, for your participation and your good public service.

Mr. SCHRIVER. Thank you, sir.

Chairman LEACH. Our second panel is composed of Mr. Wang Youcai. Mr. Wang was a student leader during the 1989 Democracy Movement. He was imprisoned repeatedly for his pro-democracy activities. In March 2004, after years of prodding by the State Department, the Congress, this Commission, foreign governments, and private human rights groups, the government released him on medical parole and allowed him to travel to the United States for

treatment. He now lives in Somerville, MA. This hearing will be his first appearance on Capitol Hill.

Joining Mr. Wang will be Ms. Lu Jinghua, a former government worker. Lu Jinghua was among the few women active in the Beijing Workers Autonomous Federation during the Tiananmen Square protest. After the military crackdown, she was on the government's Most Wanted list, one of only four women of 40 dissidents on that list. She escaped from China in 1989, and now lives in New York City where she markets real estate. Ms. Lu currently serves as vice president of the Chinese Alliance for Democracy, an association of Chinese-born political activists who live overseas.

Our third speaker will be Dr. Andrew J. Nathan. Dr. Nathan is the Class of 1919 Professor and Chair of the Department of Political Science at Columbia University. His published works include "China's Transition," "China's New Rulers, The Secret Files," and "The Tiananmen Papers." Dr. Nathan's teaching and research interests include Chinese politics and foreign policy, the comparative study of political participation and political culture, and human rights.

Fourth, we have Ms. Sharon Hom. Ms. Hom is executive director of Human Rights in China and professor of law emeritus at the City University of New York School of Law. She sits on the advisory board of Human Rights Watch Asia, and the Committees on Asian Affairs and International Human Rights of the Bar Association of the city of New York. Her writings and research have focused on Chinese legal studies, international women's and human rights, and critical legal theory.

If there is no objection, we will begin in the order of introductions, and we will begin with Mr. Wang.

**STATEMENT OF WANG YOUCAI, FORMER STUDENT LEADER
DURING THE 1989 DEMOCRACY MOVEMENT, SOMERVILLE, MA**

Mr. WANG. Mr. Chairman, members of the Commission, first, I want to express my appreciation to the Commission for all of your help in getting me released from prison. I am very glad to be here today to share my experiences and express my opinions about China's future democracy. In order not to waste your time, I will summarize the following points.

First, it is very important that democratic people and democratic governments help promote a successful transition from a dictatorship to a constitutional democracy in China.

The American people and the American government can play a great role in promoting China's democracy. It can be done in two ways. On the one hand, the American government can exert pressure on the Chinese authorities on the issue of human rights and democracy. On the other hand, the executive branch of the U.S. Government and Members of the U.S. Congress should increase contacts with members of the Chinese Government, the National People's Congress [NPC], and the Chinese Communist Party [CCP].

The American people can assist in building a civil society in China, particularly in supporting the Chinese opposition movement and strengthening the China Democracy Party. Such contacts with the American government and people, as well as with members of the European Union, will make it more difficult for the Chinese

Government to crack down on efforts to build an opposition party in China and will help China build a constitutional democracy.

Second, it is also very important that the efforts to promote democracy come from within China. This can be done in a number of ways, such as promoting research and setting up information centers in China on the development of democratic societies and multiparty political systems. Overseas foundations and academic institutions can help to support colleagues in China in these activities.

Third, for those working to develop democratic institutions in China, it is important that the people who oppose constitutional democracy in China be condemned, and that the people who support and work for democracy in China be recognized.

It is also important to help those trying to institutionalize civil society and strengthen the democratic forces in China. Of course, it is most important to isolate and condemn the people who promote the dictatorship in the CCP, while at the same time avoiding sharp conflicts in the furthering of democracy.

Fourth, as Chinese citizens fight for their civil and political rights, they should learn how to organize themselves in non-governmental organizations, which bring about pluralization of society and institutionalize legal and democratic procedures and the rule of law, so that Chinese society will be compatible with democratic changes.

Fifth, as an opposition party, the China Democracy Party focuses on grassroots election practices, encourages associations for peasants, workers, intellectuals, and private entrepreneurs, and CDP candidates to participate in elections, and work to carry out fair elections from the grass roots to higher political levels.

In this respect, international help and pressure is especially needed. With the improvement in election procedures, China is definitely taking a step in the right direction toward constitutional democracy.

While this kind of transition will proceed slowly at the beginning, as experience accumulates it will proceed more quickly. Unless China makes the transition from a dictatorship to a liberal democracy with electoral procedures, non-governmental organizations, a new constitution that will truly protect human rights, limitations on government power with checks and balances, and a federal system in the near future, the Chinese people may pay an intolerable price in attempts to overthrow the CCP regime.

Such a happening will be very dangerous to the people of the entire world, as well as to China. Therefore, I hope the American government will help and support the growth of a reasonable opposition party so that China can follow a path similar to that of South Korea or Taiwan. As the China Democracy Party is strengthened, it can help to introduce modern liberal democracy in China.

Sixth, because China is such a big country with a huge population, the continuation of a political dictatorship will be dangerous not only for the Chinese people, but for the entire world. If China can become a liberal democracy, the present political map of the world will be greatly changed. It will also be beneficial to the United States.

Furthermore, the disruption of a political transition can be relatively low if the transition is gradual and kept under control. Such a transition is possible because many Chinese people are sympathetic to the promotion of a peaceful transition in China.

Seventh, I hope that the American people and the American government will provide more help to make Chinese democracy a reality. The Commission can play an important role in China's transition from a dictatorship to a constitutional democracy.

Thank you very much.

[The prepared statement of Mr. Wang appears in the appendix.]
Chairman LEACH. Well, thank you very much, Mr. Wang.

Ms. Lu.

STATEMENT OF LU JINGHUA, FORMER BEIJING WORKERS AUTONOMOUS FEDERATION LEADER, VICE PRESIDENT, CHINESE ALLIANCE FOR DEMOCRACY, NEW YORK, NY

Ms. LU. My name is Lu Jinghua. On this occasion, commemorating the 15th anniversary of the June 4 Tiananmen incident, as a participant as an active worker in the movement for workers autonomy in China, I am very honored to be able to express some of my reflections.

Fifteen years ago, the Chinese workers were facing a tremendous situation where many were out of jobs, and also the government officials' corruption was very harmful. Therefore, we organized a movement, the so-called Freedom Workers Confederation Movement. The federation was formally organized and established 15 years ago in Tiananmen Square. Allow me to point out, this federation was the first workers' union organized by workers since the founding of the People's Republic in 1949.

The current situation now is that workers have no right to organize workers' unions by their own organizations. Now, in mainland China, the workers work for basically three kinds of enterprises. One is a state-owned enterprise, second, the private enterprise, and also foreign investment organized enterprises.

Two years ago in the province of Liaoning, in the city of Liaoyang, of the many workers working in a factory, 60 percent were out of a job. Some workers' wages had not been paid for more than a year and a half. Some workers went to the municipal government offices to launch a protest demonstration. Their demand was simply for the government to punish those corrupt officials, and also to give the workers a basic guarantee and security of their living expenses. Numerous times, the workers went to the municipal People's Congress and went to the city government to express their frustration and views, but there was no response or solution.

Two years ago, more than 5,000 workers demonstrated in front of the city government building. Among the 5,000 workers, there were two leaders. Their names are Yao Fuxing and Xiao Yunliang. Yao Fuxing, on the morning of March 17, 2002, after he left his home, was arrested by plainclothes public security officers. On May 9, 2003, the court sentenced him to jail for seven years, charging him with engaging in subversive activities against the state. His political rights have been deprived for three years.

The other leader, Xiao Yunliang, was also sentenced for four years and deprived of his political rights for two years on the charge of engaging in subversive activities against the state.

So, I have now briefed you about the most significant recent events concerning workers in the state-owned enterprises. Now let me change the subject to those workers who work for private enterprises. Workers in the private sector often work overtime and also work in shameful conditions, the so-called sweatshops. Also, their wages frequently are not being paid on time. The only thing the workers can do is simply be patient and endure.

Why is it that workers have to suffer this condition? It is because the workers cannot organize their own union in China. From the outside world, we look at the Chinese economic situation and it has great momentum. Many enterprises have been privatized. Also, foreign-owned enterprises will also enter into China, but the power and the wealth is still in the hands of those owners. Therefore, the Chinese workers do not enjoy their own rightful power in their own hands. In the past 20 or 30 years, the Chinese worker was supposed to be the leader of the social classes in China. However, in reality workers as a class have degenerated into one of the weakest and most disadvantaged groups in society.

Thank you.

Chairman LEACH. Well, thank you very much, Ms. Lu.

Ms. HOM.

STATEMENT OF SHARON HOM, EXECUTIVE DIRECTOR, HUMAN RIGHTS IN CHINA, AND PROFESSOR OF LAW EMERITUS, CITY UNIVERSITY OF NEW YORK SCHOOL OF LAW, NEW YORK, NY

Ms. HOM. Thank you, Mr. Chairman. I would like to submit my written statement into the record and use my oral speaking time to pick up on selected points. If appropriate, I would like to also address some of the questions and concerns that have already been raised by the members this morning.

Chairman LEACH. Without objection, your full statement will be placed in the record, and any expanded statement of the prior witnesses will be placed in the record. The full statement of Dr. Nathan will be placed in the record.

Ms. HOM. Mr. Chairman and members of the Commission, on behalf of Human Rights in China [HRIC], thank you for this opportunity to make this statement. It is really an honor to testify today alongside of the activists and leaders from the 1989 movement, and of course my wonderful colleague, Professor Nathan.

HRIC is an international NGO founded by Chinese scientists and scholars in March 1989. Our mission is to promote universally recognized human rights and advance the institutional protection of those rights in China. Through our advocacy on behalf of over 2,000 political prisoners over the last 15 years, in collaboration and partnership with the U.S. Government and the international community, and our research and education, we work to measure, monitor, and promote human rights.

Our work is informed and inspired by our fundamental belief that democracy is both possible and inevitable in China. Fifteen years ago, the Chinese Government ordered the unthinkable, the

use of military force by the People's Liberation Army on the people, and crushed a peaceful protest movement. It is believed that more than 2,000 people died in various Chinese cities on June 3 and 4 and the days following. The Tiananmen Mothers have documented at least 182 victims, including three who died at the Square. Following June 4, more than 500 people were imprisoned and an unknown number were executed. Some 130 people, at least, are believed to remain in prison for crimes connected with the 1989 protest. However, the total accurate number of dead, wounded, imprisoned, and executed remains unknown. Fifteen years later, why is this still the case? First, the Chinese Government, despite internal debates, refuses to engage in a public reassessment, despite calls for it. However, Chinese history demonstrates that a reassessment is possible. For example, the Anti-Rightist Campaign and the Cultural Revolution.

Second, China's pervasive legal, regulatory, security, and police control over sensitive political issues and events ensures that the cost of writing, publishing, or investigating June 4th will be high and include facing criminal charges of endangering state security or leaking state secrets, with subsequent imprisonment.

Third, China's growing economic power and international role has contributed to the sidelining of human rights by the international community when they conflict with trade, military, or other geopolitical interests and priorities.

Fourth, the opportunistic invocation of the post-9/11 war against terrorism by the Chinese Government has allowed it to crack down on peaceful assertions of religious and cultural identity in the name of fighting terrorism. Today, the "No Deaths in the Square" proclamation and the label of counterrevolutionary rebellion remains a bloody stain on the legitimacy of any official claims to progress. Over the past 15 years, the Tiananmen Mothers, and more recently by Dr. Jiang Yanyong, along with HRIC and many other groups and individuals, have repeatedly called for an independent investigation.

Yet, the statement by Chinese Premier Wen Jiabao this past March, "We must concentrate all our time, energy and efforts on the development of our country . . . if China could have another 20 to 50 years of stability, our country would surely emerge stronger than ever before."

This assertion of the primacy of stability, i.e., stability as synonymous with the survival of the supremacy of the Party, is a sobering echo of the statement 15 years ago about the necessity to "kill 200,000 for 20 years of stability."

I wanted to reference Congressman Leach's question about the evolution of democracy and refer you to the open letter to Chinese compatriots that the Tiananmen Mothers have issued, and we have issued and translated on their behalf, and is available on our website.

That is, one very different development of this petition from previous letters is that this letter is an open call not only to the international community and the Chinese Government, it is a call to the Chinese people themselves, directly. It is a powerful call to the people themselves.

Second, it is a clear rejection of the invocation of economic progress as a rationale for political repression. Third, it names the 1989 crackdown for what it was, a crime against the Chinese people and a crime against humanity, and in violation of Chinese law and international law.

Is democracy in China's future? Yes, but it is interrelated with the promotion of human rights and a rule of law that is transparent, fair, in a judiciary and process independent of the Party.

Although there have been improvements, the human rights situation, as documented by the World Bank, UNDP, Chinese researchers themselves, human rights NGOs, including HRIC, reported by this Commission in your very excellent report and the excellent U.S. State Department country reports, that the human rights situation has deteriorated seriously and is marked by growing social inequalities and poverty, massive unemployment, environmental degradation of a crisis dimension, severe restrictions on freedom of expression, crackdowns on ethnic minorities, religious groups, independent political parties or unions, independent media, and the use of torture and treatment of prisoners, arbitrary detentions, and arrests. Lawyers taking on cases that are politically sensitive may find themselves intimidated, or themselves the target of repression.

I should also note for the record, apropos of the last exchange, that Mr. Van Boven, the special rapporteur on torture, is scheduled to make his mission to China, which coincides with the first day of the EU-China Human Rights Seminar.

Today, 15 years after Tiananmen, facing severe labor and social unrest, China is not more stable, nor can it claim sustainable progress and equitable economic development. True social stability requires as fundamental conditions protections of human rights, democracy, and rule of law. The order that is maintained in the absence of these conditions is, in fact, just social repression and control. Chinese democracy will require a vibrant civil society, not a limited, non-critical realm where any views contrary to the Party are silenced. Whatever direction the Chinese leadership takes, the Chinese Government cannot legitimately continue to claim that it alone can define democracy, even socialist democracy, as only what it will allow, or that progress will be measured predominantly by the interests of economic and political elites, or that elections such as for Hong Kong's LegCo, will be permitted, but only if the results are what it approves.

Yet, democracy is inevitable because the aspirations, hopes, and the willingness to struggle are still powerfully present and alive, against all odds, in China.

Despite the brutal invocation of military violence, despite a pervasive and powerful Chinese propaganda, police, and security apparatus, despite China's growing economic power that China manipulates to undermine scrutiny of its human rights record, and a privileged and powerful Chinese elite that is bought off by economic and political benefits of supporting the present policy, despite all this, courageous Chinese, the Tiananmen Mothers, journalists, intellectuals, peasants, workers, students, Internet activists, religious practitioners, lawyers, artists, and poets continue to write, speak and organize mass demonstrations, form independent

political parties, independent unions, petition the government, and to appeal to international fora.

We support these human rights activists and we think that one way by supporting them is to remember the past and not allow the Chinese authorities' control over information and censorship to result in historical amnesia. The Chinese Government certainly has not forgotten and its recent actions in suppressing and rounding up people reflects a government that is profoundly still fearful and distrustful of its own people.

Let me close with a few recommendations directed at the Commission and the U.S. Government, and that picks up on some of the comments.

As part of the bilateral and the multilateral processes, including the U.N. and the WTO, the U.S. Government should continue to exert its influence by raising human rights issues.

But in terms of U.S. policies on China, first, in terms of bilaterals, compared to the EU-China bilateral, which has publicly announced benchmarks and will issue a formal assessment of it by the end of 2004, we urge the U.S. Government to consider doing similarly.

Second, in the other bilaterals, NGO actors, including human rights actors, are invited to be observers, most recently, in the EU-China human rights dialog, and we were invited as well in December. We urge the United States to press for the inclusion of NGO voices in these bilateral processes.

Third, in terms of the spillover of rule of law in commercial areas, we think this is premature—and we have actually had some reports and assessments of it and they are all available on our website. I reference it in the testimony and it is available—because of the same problems in implementing rule of law, transparency, accountability, independent decisionmaking in the commercial area are the same areas that are relevant to human rights and democracy, and it is not making progress in either area.

Fourth, the question about the role of U.S. business and WTO. There is a convergence here that is really important that the U.S. Government could exploit, and that is the convergence in China now on the part of Chinese leaders and the business community and interest in corporate social responsibility, reflected in recent conferences and upcoming conferences in China and China's participation in the U.N. Global Compact, which will be meeting in China this year.

We would urge the U.S. Government to explore what the role of U.S. business could be, to put that in the perspective of international business community and codes, including the OECD Guidelines and the recent U.N. guidelines on business.

On the Olympics, it is not only an opportunity for China to demonstrate that it is becoming a good global citizen, but I think it is an opportunity for the U.S. Government and U.S. business to explore much greater creative synergies about how to ensure several things. First, that U.S. business is not complicit in human rights violations such as rounding up dissidents, cleaning up migrant workers, et cetera. Second, on the positive side, that the U.S. Government has a role in assessing whether there are relevant U.S. laws regulating U.S. actors in three key sectors that the Olympics

preparations invoke between now and 2008, telecommunications, the building of a security system for the border control and for protection of the Games, and for the actual site construction. U.S. companies and law firms have been bidding for and have secured contracts on these Olympics-related projects.

With respect to your technical assistance programs and exchange initiatives that the State Department and other parts of the U.S. Government have supported, we urge you to build in a human rights assessment and concrete benchmarks for these programs. We echo Wang Youcai, and, of course, Lu Jinghua's calls for greater support for building civil society in China.

Finally, in negotiations on behalf of individual political prisoner cases, we also want to respectfully suggest that exiling dissident voices is not a sign of progress and does not contribute to the systemic reforms necessary for the advancement of democracy and human rights. Individual political prisoners should be released without conditions on their peaceful exercise of their rights and be allowed to remain within their own country. That would be the true litmus test for democracy in China. Thank you.

[The prepared statement of Ms. Hom appears in the appendix.]

Chairman LEACH. Thank you, Ms. Hom.

Dr. Nathan.

**STATEMENT OF ANDREW J. NATHAN, PH.D., CLASS OF 1919
PROFESSOR AND CHAIR, THE DEPARTMENT OF POLITICAL
SCIENCE, COLUMBIA UNIVERSITY, NEW YORK CITY, NY**

Mr. NATHAN. Thank you, Mr. Chairman. Thanks for the opportunity to testify today. I am going to keep it very short because I have a cold, and my voice will give out.

You will hear a bit of the other side of the coin from me, because although many people do expect democratization, and we have been expecting democratization, what I am going to suggest is that, up until now, the regime has proven resilient. I call it a resilient authoritarianism.

The reasons for that, are several. Some of them are achievements made by the regime in the economic area and foreign policy area, which have increased its prestige among the Chinese people.

Then there are limited reforms that the regime has undertaken in the area of building institutions for citizens to make demands and complaints. But these changes are not reforms aimed at democratization, but they rather encourage individuals to make complaints about specific local-level agencies or officials without challenging the system.

The Party has co-opted the middle class, the entrepreneur class. Then, finally, the Party leadership itself has maintained its unity and its grip on power and it has continued to make effective use of repression. So, these are some of the reasons why I think the regime today appears to be quite strong in its grip on power.

The question has arisen in these hearings, and frequently comes up, whether there have been improvements in human rights in China since Tiananmen. My response to that is that, in the core area that we are interested in when we usually raise that question, civil and political rights, there has not been any improvement. Peo-

ple still do not have the right to organize to speak politically or to challenge the regime in any way.

So, coming to my conclusion, I am not predicting that democratization will not happen. It may happen sometime in the future. But I would open up the possibility that it is not inevitable. China has established what is, for the time being, apparently, a strong developmental authoritarian regime which is repressive, and yet has widespread popular support, and support from its own middle class.

I do not mean by those analytic comments to counsel that the U.S. Government or private actors do nothing. I think we should be active. I am on the board of Sharon Hom's organization and I support all of the recommendations that she made.

Thank you very much.

[The prepared statement of Dr. Nathan appears in the appendix.]

Chairman LEACH. Well, thank you all very much. I particularly appreciate the perspectives of Ms. Hom and Dr. Nathan. But I think, on behalf of our colleagues, we want to express my extraordinary appreciation for the people who have actually made observations and have been placed in jail.

That is something that, as Members of Congress, we do not do. Now and again, people say, a Member of Congress made a courageous vote. I do not think such "courage" exists, because there is no down side to a vote. There is a huge down side to the steps being taken by some people within China.

May I ask that the two that have come most recently from China that have lived there, do you have a sense that the country has a living memory of Tiananmen Square? Is this an event that people think about and talk about as a society or is this incident all in the past tense for the Chinese people?

Mr. WANG. Thank you, Mr. Chairman. Your question is whether the Chinese people still talk about the Tiananmen Square incident or not. So far as I know, currently in China people, privately, still very much talk about the Tiananmen massacre. Also, they still have a vivid memory about a whole series of events. However, the government still strongly exercises control. Therefore, the media are not able to really open this question.

Chairman LEACH. Ms. Lu.

Ms. LU. Our sense is that on the Tiananmen events, they have people to join them and they watch them. The people know how the Chinese Government treated our friends and co-workers. So, we would like for China to be changed and we hope in the future China will be changed, with democracy and freedom for all people. We also remember 1989, 15 years ago, and what happened then. But we are really weak. For the Chinese Government, they will be strong and they will crush all the people who dissent. That is, right now, what is happening.

Chairman LEACH. I was recently in East Asia, and among the stops I made was in Singapore. It was interesting to me that in Singapore, where the government has from time to time imperfectly cracked down on the free press, it has now made an experiment in a small park.

It put a "Speaker's Corner" in this park that is very much designed to be an analogy to Hyde Park in London. People have liked

it. They like the idea that they can go and express their views of government policy and social conditions. Do you think it would be helpful, in the Chinese circumstance, to take Tiananmen Square and erect in corners of it ladders that could serve as political soap boxes? Would that be an interesting testament to the past, and a different kind of future?

Mr. WANG. Mr. Chairman, I think for the time being, it will be very difficult. If somebody dared to do so, their activity will definitely be suppressed or repressed. Yet many people are still devoting their life to promoting China democracy. And many of them are suffering in prison.

However, if you talk about looking forward to the future, I think there are chances for China to be a democracy because people still talk about democracy, and also talk about establishing a civil society, and talk about civil rights issues.

So, in a nutshell, we Chinese are in the international community now. The Chinese people are more aware of what is going on around the world now, and privately they are still talking about democracy in China. So, in the future, I think there are definite opportunities China will become a democratized nation.

Chairman LEACH. Ms. Lu.

Ms. LU. Mr. Chairman, you mentioned this issue. I think for the time being it is still a dream or a fantasy. Under the circumstances, politically, it is still not possible. However, the Chinese authorities still are taking into consideration the opinion of the international community, so the Chinese authorities have to modify their policies in view of international opinion.

Chairman LEACH. Well, thank you very much.

Let me ask a final question to Dr. Nathan and Ms. Hom. As was referenced earlier, in February, Dr. Jiang Yanyong delivered a letter to China's leaders calling for reassessment of the Tiananmen Square issue. When the Premier was asked about it at a press conference he did not acknowledge receipt of the letter, but he seemed to describe the Tiananmen incident in slightly more mild terms than his predecessors.

Do you think this is a beginning of a reassessment of Tiananmen in Communist Party circles or is this a circumstance where people are reading too much into a milder response?

Mr. NATHAN. The person who handled the crackdown in 1989 for the then-Premier Li Peng, was a man named Luo Gan. Luo Gan is now one of the nine members of the Politburo Standing Committee. Li Peng himself has retired from office, but he is still very active. Jiang Zemin, who came to power through the Tiananmen incident, continues as the chairman of the Central Military Commission, and has four or five close associates on the Politburo Standing Committee.

For that set of reasons, there is no chance, in my view, that the regime will reevaluate Tiananmen in the near future. There is also a second consideration which came up in the first panel, which is that if the regime is this hard-line on democracy in Hong Kong because it fears the impact of democratization in Hong Kong upon its own control in the mainland, how much more allergic will it be to reopening the issue of Tiananmen?

So, I do not think that Premier Wen meant to signal any soft line on the part of the government. He, himself, was alluded to before as an official who came to Tiananmen Square with Zhao Ziyang in 1989. He was then Zhao Ziyang's chief aide. His personal views on Tiananmen probably contain some reservation toward the crack-down, but that is very different from a policy that the Party might adopt.

Chairman LEACH. Ms. Hom.

Ms. HOM. I think the question of how to read the tone and the words is almost like reading tea leaves, and it is a very difficult exercise.

I should just add, by way of a biographic footnote, Mr. Chairman, I am Hong Kong Chinese by birth, so I am more than a little bit alarmed by the developments in my former—I was a British subject, and now I am a U.S. citizen. I also spent about 18 years living, working, and doing legal training in China, so my comments, apropos the rule of law and the initiatives and the training, really come from very much of a respect for the complexity and the difficulty of building the infrastructure in country.

And why I am now retired and doing the work that I do with Human Rights in China is because I believe we have hit the ceiling in terms of what can be done in terms of exchange work, and that we need the pressure from the outside and the international community. We need now to push the Chinese Government, because the “H” word, “human rights” is not a word that even the exchange programs want to raise or fund explicitly, but we can raise it as human rights activists.

The second thing is that I think the question about tone—this is not to answer the question, but to say, here is another indication. Human Rights in China, our organization, has on our board many people whom you might be familiar with, who are leaders and were on the Most Wanted list, such as Wang Dan. Our co-chair is Fang Lizhi. The president of our organization is Liu Qing, who served 11 years in a Chinese prison.

We have been referred to in the past, quite publicly, in U.N. records and other public records as “enemies,” as an “enemy organization,” in very strong, apoplectic ways. Most recently, in the decision with respect to the lawyer Zhang Enchong, we were referred to over a dozen times in the court decision, our full name, and we were not then followed by a description of us as an “enemy, hostile organization.” We were simply described, in the legal language of the law, as a “foreign entity.” *Haiwai de zuzhi*. So we read that as not great progress, because many of our staff and board—including Dr. Nathan—still cannot get visas into China. But we do think that that does indicate a slight improvement, in terms of tone, toward us.

The other thing I just wanted to add, if I may, is that the question where Dr. Nathan and I might have a slightly different read, in terms of the support for the policies of this present Chinese administration, the middle class, as strong and powerful as it is, is only a minority. China cannot be stable without dealing with the other 96 percent of the population when we are talking about 1.3 billion people.

The second thing is, we have to very carefully approach any assertions that this is popular sentiment or that this is what people think, one, because the nature of gathering information is different. Polling is not what happens there, and information on public sentiment is very dangerous and expressing those opinions is also very dangerous. That must be viewed, any public sentiment or polls, within the context of the government's very strict control of information and censorship of dissident views. Thank you.

Chairman LEACH. Well, thank you.

Just let me say in conclusion, we all recognize that when you are dealing with another society there are limits to what you can do. Certainly in terms of force, it is an option off the table, so there is no such a thing as a desire for forceful intervention in Chinese affairs. But there is a desire to express one's views and to suggest the kinds of things that would make relations better between peoples and within societies.

In that context, to borrow from an American speech, I think we all have a dream that maybe some day there will be ladders in Tiananmen Square, and soap boxes, and that would be a wonderful symbol for Chinese society, as well as, I think, a benchmark for bettering relations in the world.

Mr. Levin.

Representative LEVIN. Thank you. This has been a useful hearing. Your questions, I think, have covered much, maybe all, of the useful territory.

So let me just say, you are right, Mr. Chairman, that force is not something that should be even discussed, and that makes it all the more important that we use other means to try to help effectuate change.

Whether Dr. Nathan is right or wrong exactly in terms of his analysis, and I think he is probably more right than wrong I do think—and Ms. Hom, this picks up what you had to say and what our two witnesses who were there more recently have been saying—that is, that if people talk about the inevitability of democracy in China, it may slow down efforts to promote it. I mean, if something is inevitable, just stand by and let it happen.

I think the hearing today sends a very clear message, and that is, we really should not rely on inevitability. If we are going to increasingly develop a sound relationship with China in all respects, we have an interest in trying to promote human rights and democracy in China. If we do not, it will be bad for the people of China and it will be bad for our relationship.

So, Mr. Chairman, I am glad we have held this hearing. I know that today we are preparing to leave town and a lot of people are doing lots of other things, but I know that our staff will circulate the testimony so that all of the members who were not able to get here today will be able to gain the benefit of reading it.

Thank you very much.

Chairman LEACH. Thank you, Mr. Levin.

Let me thank all of you for your thoughtful testimony. We are very appreciative. We are also very respectful of the courage that has been demonstrated in the lives and activities of our panel.

Thank you very much.

[Whereupon, at 11:54 a.m. the hearing was concluded.]

A P P E N D I X

PREPARED STATEMENTS

PREPARED STATEMENT OF RANDALL G. SCHRIVER

JUNE 3, 2004

Mr. Chairman, thank you. I appreciate the opportunity to appear before the Commission today on this, the 15th anniversary of the Tiananmen Square crackdown.

Anniversaries are a good time to look back and reflect on what has happened in a relationship in the intervening years. And it is a good time to look forward as well, to examine where we are going and how we can get there in a way that best meets our national interest and enhances peace and prosperity in the region and the world.

The tragedy of Tiananmen 15 years ago still casts a long shadow in China today.

You see it in the continuing scrutiny of people gathered in groups of three or more by a very noticeable security presence in the Square.

You experience it in the continuing heartbreak of the mothers of Tiananmen victims who ask the government for an accounting of their children who have been missing since 1989—and get detained for their efforts.

You hear about it in conversations about the impact Tiananmen has had on the inability of Beijing to find creative ways to increase popular participation in national governance.

It remains an event, as former Ambassador to China Jim Lilley wrote in his recent book “China Hands,” quoting a Chinese professor, “when even the Heavens were saddened.”

Fifteen years on, China needs to reexamine Tiananmen. This reconsideration is long overdue. When it does come, I believe it will usher in a period of ferment and serious discussion about whither China’s government, a discussion that will be similar in tone and as far-reaching and significant as the verdict on Mao Zedong which ended the Cultural Revolution more than a quarter century ago.

So while China today is a vastly different, vastly more confident, vastly more influential, and vastly more prosperous nation than it was 15 years ago, Tiananmen—as an epochal event in China’s modern history and in the memory of those who lived through it—continues to resonate. Tiananmen will not become “history” in the sense of becoming a part of the past until the present leadership deals—with honesty and candor—with the tragedy of 1989. Former Party Secretary and Premier Zhao Ziyang may have gone to Tiananmen Square, in his words, “too late” in May 1989 to influence the ultimate course of events, but it is not too late for those in power today, some of whom were with Zhao on that fateful day, to take the steps necessary to come to terms with the past and begin to move forward to a better future for China.

For our part, we continue to engage the Chinese leadership and public on key issues that were implicitly part of the foundation of the popular protest in Tiananmen: the right of people to participate in government decisions that affect their lives, to have a say in who leads them, to live in a nation governed by law and not men, to speak and write freely, to worship and believe in a manner of their choosing, and to be given a fair and impartial trial with legal representation.

Our commitment to engage China on these issues in the years since Tiananmen is well reflected in the State Department’s May 17 report to Congress on “Supporting Human Rights and Democracy: The U.S. Record 2003–2004.” As the President said in a speech the same day to the National Endowment for Democracy, there will come a day when “China’s leaders will discover that freedom is indivisible—that social and religious freedom is also essential to national greatness and national dignity. Eventually, men and women who are allowed to control their own wealth will insist on controlling their own lives and their own country.”

My hope is that will translate into a China whose future greatness will be predicated on its commitment to extending and strengthening the rights of its people.

Let me briefly summarize what the Administration has done in the past year alone to encourage the advance of these rights:

- U.S. officials—in Washington, China, Geneva, and elsewhere—publicly and privately highlighted the need for improvements in human rights conditions, called for the release of prisoners of conscience, and, in recent days, protested detentions of those, like HIV/AIDS activist Hu Jia, who have sought to hold the Chinese authorities accountable for the treatment of those who live with this dread disease.
- We have engaged in a wide-ranging bilateral Human Rights Dialogue with China, which yielded some promising commitments in 2002. Regrettably the Chinese failed to move forward with their promises, especially those relating to visits by

- the U.N. Special Rapporteurs for Torture and Religious Intolerance, the U.N. Working Group on Arbitrary Detention and the U.S. Commission on International Religious Freedom, and we ended up introducing a resolution at the U.N. Commission on Human Rights in Geneva this year. We are hopeful that we can re-start soon—and see results from—the kind of high-level dialog that will move China toward reforms that will make a resolution in Geneva in 2005 unnecessary.
- We have a Resident Legal Advisor in China who organizes events promoting the rule of law and who speaks regularly about fairness in criminal procedures and about the importance of training a new generation of judges and lawyers who will mete out justice impartially.
 - We are working in China with NGOs and Chinese entities to reform the judicial system, improve transparency in governance, protect worker and women's rights, promote best practices and combat corruption, and strengthen civil society.

Let me elaborate a bit more on these projects. In September, we sponsored a seminar attended by more than 150 Chinese judges, prosecutors and defense attorneys on problems of criminal defense. The U.S. Embassy also awards small grants to members of China's NGO movement in support of democratic values and in 2003, the U.S. funded 13 projects with diverse purposes, including teaching U.S. law at a Chinese university and supporting environmental and health care advocacy NGOs. This coming year, we will fund capacity building projects for NGOs in Shanghai, social security rights for the rural aged, labor rights protection for migrant workers and NGO-mediated public participation in environmental governance.

We are also promoting China's compliance with international labor standards. Through the Partnership to Eliminate Sweatshops Program, a State Department project designed specifically to address unacceptable working conditions in manufacturing facilities that produce for the U.S. market, we are funding the work of four non-governmental organizations in China. These groups will develop programs to build local capacity to ensure compliance with labor standards, promote labor rights awareness in the Chinese business community, and develop advanced training materials which are suitable for use in individual factories.

These are wide-ranging strategies, programs and commitments and they grow out of our awareness, as the President said to the National Endowment for Democracy, that the calling of our country is to advance freedom, our duty is to support the allies of freedom and liberty everywhere, and our obligation is to help others create the Kind of society that protects the rights of the individual.

As I said in my statement before the Commission on July 24 last year, we will continue to call for China to make the right choices and to understand clearly that issues affecting the dignity of men and women will not go away. As long as we continue to have concerns about human rights and religious freedom, and as long as China is unable or unwilling to address them, we will not realize the full flowering of the U.S.-China relationship.

I'd also like to say a few words about America's engagement with China in other areas apart from human rights and democracy, important as those matters are and how they define who we are as a people and the values we share.

Our relationship with a rapidly changing and dynamic China is, as the Secretary has said, too complex to contain in a single sound bite. But we are committed to building the kind of relationship that will promote a broad range of U.S. interests. The Administration has welcomed the emergence of a strong, peaceful, and prosperous China which rises up to meet the challenge of its global responsibilities, whether at the United Nations, in the World Trade Organization, in meetings of the Asia-Pacific Economic Cooperation group or as a part of a non-proliferation group like the Nuclear Suppliers Group.

For the most part, on a wide variety of issues, including North Korea and counterterrorism, trade and non-proliferation, we have had the kind of discussion that advances a common agenda based on mutual interests. Rather than go over those matters again, I would be pleased to discuss them further in response to questions you might have.

However, a few comments about America's interest in and relationship with Taiwan and Hong Kong would be appropriate before I close.

First, Taiwan. The Administration welcomed the responsible and constructive tone struck by President Chen Shui-bian in his May 20 inaugural address. We hope that his message—especially on Taiwan's willingness to engage across-the-board on cross-Strait issues, not excluding any possible formula for creating an environment based on "peaceful development and freedom of choice"—will be greeted positively by the PRC and taken as a basis for dialog, which can lead to the peaceful resolution of outstanding differences. I also note that despite some harsh rhetoric in China's May 17 statement on Taiwan—particularly the harmful references to the

potential for the use of force—there may be some constructive elements on which the two sides can build.

As the President has said numerous times, we will continue to honor our obligations under the three U.S.-PRC communiqués and the Taiwan Relations Act; there has been no change to our “one China” policy. It is also our intent, as Assistant Secretary James Kelly said at an April 27 hearing of the House International Relations Committee, to support and enhance the policy of seven Presidents to maintain peace and stability in the Western Pacific while helping to ensure Taiwan’s prosperity and security. But, again, in the final analysis, the Taiwan issue is for people on both sides of the Strait to resolve in a way acceptable to each, without the use of force and without seeking to impose unilateral changes in the status quo.

As for Hong Kong, we are supportive of the principle, as expressed many times by the Chinese themselves, that the people of Hong Kong should govern Hong Kong. The United States has been very clear: our longstanding policy is that Hong Kong should move toward greater democratization and universal suffrage. The Chinese also have reaffirmed this, most recently by Premier Wen Jiabao in his European sojourn last month. However, on April 26 this year, the Standing Committee of National People’s Congress in Beijing stated that there would—for the time being—not be any changes in the electoral methods to select the Chief Executive in 2007 and the Legislative Council in 2008, a move that inhibits the pace of democratization.

Beijing and the Hong Kong Government should take steps to ensure sustained movement toward a government that truly represents the people of Hong Kong. Ultimately the pace and scope of political evolution in Hong Kong should be determined by the people of Hong Kong themselves. It is important that China understand our strong interest in the preservation of Hong Kong’s current freedoms, as well as our interest in the continued democratization of Hong Kong as called for in the Basic Law. U.S.-China relations will suffer if the cause of freedom and democracy suffers in Hong Kong. None of us—in Hong Kong, in Beijing, in Washington or elsewhere—would benefit from such an outcome. We will be very clear, I assure you, of what we expect.

To get back to the theme of today’s hearing, let me close my statement this morning with an observation that Secretary Powell made at the Bush Presidential Library in College Station, Texas, on November 5 last year. It remains true today.

“Only by allowing the Chinese people to think, speak, assemble and worship very, very freely, only then will China fully unleash the talents of its citizens and reach its full potential as a member of the international community. . . . For our part, America hopes to work with China to help the Chinese people achieve their dreams, their hopes, their aspirations for a better life for their children.”

By dealing with the aspirations of those who assembled in Tiananmen fifteen years ago, I am confident that China can begin to realize the potential the Secretary talked about. In the process, it can meet the highest hopes of Chinese—and Americans—for a better world.

Thank you very much. I look forward to your comments and questions.

PREPARED STATEMENT OF WANG YOUCAI

JUNE 3, 2004

First, I want to express my appreciation to the Committee for all your help in getting me released from prison. I am very glad to be here today to share my experiences and express my opinions about China’s future democracy. In order not to waste your time, I will summarize the following points.

1. It is very important that democratic people and democratic governments help promote a successful transition from dictatorship to constitutional democracy in China. The American people and American government can play a great role in promoting China’s democracy. It can be done in two ways. On the one hand, the American government can exert pressure on the Chinese authorities on the issue of human rights; on the other hand, the executive branch of the U.S. Government and members of the U.S. Congress should increase contacts with members of the Chinese government, the National People’s Congress and the Chinese Communist Party. The American people can assist in building a civil society in China, particularly in supporting the Chinese opposition movement and the China Democracy Party. Contacts with the American government and people as well as with members of the European Union will make it more difficult for the Chinese government to crack down on efforts to build an opposition party in China and will help China build a constitutional democracy.

2. It is also very important that the efforts to promote democracy come from within China. This can be done in a number of ways, such as promoting research and setting up information centers in China on the development of democratic societies and multiparty political systems. Overseas foundations and academic institutions can help to support colleagues in China in these activities.

3. For those working to develop democratic institutions to China, it is important that the people who oppose constitutional democracy in China be condemned, and that the people, who support and work for democracy, in China be recognized. It is also important to help those trying to institutionalize civil society and strengthen the democratic forces in China. Of course, it is most important to isolate and condemn the people who promote dictatorship in the CCP while at the same time, avoiding sharp conflicts in the furthering of democracy.

4. As Chinese citizens fight for their civil and political rights, they should learn how to organize themselves in non-governmental organizations, which bring about the pluralization of society, and institutionalize democratic procedures and the rule of law so that Chinese society will be compatible with democratic changes.

5. As an opposition party, the China Democracy Party (CDP) focuses on grassroots election practices, encourages associations for peasants, workers, intellectuals, and private entrepreneurs and CDP candidates to participate in elections, and work to carry out fair elections from the grass-roots to higher political levels. In this respect, international help and pressure is especially needed. With the improvement in election procedures, China is definitely taking a step in the right direction toward a constitutional democracy. While this kind of transition will proceed slowly at the beginning, as experience accumulates, it will proceed more quickly. Unless China makes the transition from dictatorship to liberal democracy with institutionalized electoral procedures, non-governmental organizations, a new constitution that will truly protect human rights, limitations on government power with checks and balances, and a Federal system in the near future, the Chinese people may pay an intolerable price in attempts to overthrow the CCP regime. Such a happening will be very dangerous to the people of the entire world as well as to China. Therefore, I hope the American government will help and support the growth of a reasonable opposition party so that China can follow a path similar to that of South Korea or Taiwan. As the China Democracy Party is strengthened, it can help to introduce modern liberal democracy in China.

6. Because China is such a big country with a huge population, the continuation of the political dictatorship will be dangerous not only for the Chinese people, but for the entire world. If China can become a liberal democracy, the present political map of the world will be greatly changed. This will also be beneficial to the United States. Furthermore, the disruption of a political transition can be relatively low if the transition is gradual and is kept under control. Such a transition is possible because many Chinese people are sympathetic to the promotion of a peaceful transition in China.

7. I hope that the American people and the American government will provide more help to make Chinese democracy a reality. The Committee can play an important role in China's transition from a dictatorship to a constitutional democracy.

Thank you very much.

PREPARED STATEMENT OF SHARON HOM

JUNE 3, 2004

Mr. Chairman, members of the Commission, on behalf of Human Rights in China (HRIC), thank you for this opportunity to make this statement. It is also an honor to testify today alongside of activists and leaders from the 1989 Democracy Movement.

HRIC is an international, non-governmental organization founded by Chinese scientists and scholars in March 1989. Our mission is to promote universally recognized human rights and advance the institutional protection of these rights as one of the fundamental parameters of China's social and political transformation. Through our advocacy on behalf of over 2,000 political prisoners over the past 15 years, our research and education, HRIC aims to measure, monitor, and promote the implementation of human rights in China. Our work is informed and inspired by our fundamental belief that democracy is both possible—and inevitable—in China.

TIANANMEN 1989

Fifteen years ago, the Chinese government ordered the violent use of military force to suppress a peaceful protest movement.¹ Over a period of 2 months in the spring of 1989, in China's major cities, students, workers, and activists called for democratic reforms and the end to escalating official corruption and abuses. The center of the protest movement was Tiananmen Square in Beijing, where tens of thousands of students camped out to press their demands, and where more than one million people marched carrying banners and shouting slogans. On the night of June 3, 1989, the government ordered the People's Liberation Army (PLA) to clear the Square and restore order. PLA troops moved into Beijing and clashed with civilians trying to block their way to Tiananmen Square. In the early hours of June 4th, the troops moved into the Square and opened fire on unarmed students and civilians in the surrounding area.

It is believed that more than 2,000 people died in various Chinese cities on June 3rd and 4th and the days immediately following. The Tiananmen Mothers have documented the names of at least 182 victims, including three who died at Tiananmen Square. Following June 4th, more than 500 people were imprisoned in Beijing's No. 2 prison alone, and an unknown number were imprisoned in other Chinese cities. An additional unknown number were executed. Some 130 people are believed to remain in prison serving long terms for crimes connected with the 1989 protests. However, the total accurate number of dead, wounded, imprisoned and executed remains unknown.

Fifteen years later, why is this still the case?

First, the Chinese government, despite whatever internal debates are going on, refuses to engage in a public reassessment of the crackdown. However, Chinese history demonstrates that an assessment is also possible, e.g. the Anti-Rightist Campaign and after the Cultural Revolution. Second, China's pervasive legal, regulatory, security and police control over "sensitive" political issues and events ensures that the costs of writing, publishing, or investigating June 4th events will be high—and include facing endangering State security or leaking State secrets criminal charges, and imprisonment.² Third, China's growing economic power and role has contributed to the sidelining of human rights by the international community when they conflict with trade, military, or other geo-political interests and priorities. Fourth, the opportunistic invocation of the post-September 11 war against terrorism by the Chinese government has allowed it to crackdown on peaceful assertions of religious and cultural identity in the name of fighting terrorism.

Today—the "No Deaths in the Square" proclamation in the People's Daily on September 19, 1989 and the label of counterrevolutionary rebellion on the 1989 Democracy Movement remains—a bloody stain on the legitimacy of any official claims to progress.

FIFTEEN YEARS LATER

Over the past 15 years, the Tiananmen Mothers, along with HRIC and many other groups and individuals, have repeatedly called for an independent investigation into the June 4th crack-down, a thorough official accounting of the dead, injured and disappeared, appropriate redress and compensation for surviving victims and families of the dead, and accountability on the part of the officials who ordered the crackdown.

Dr. Jiang Yanyong who had spoken out during the SARS crisis last year, once again came forward and called for an official reassessment of the 1989 Democracy Movement and the June 4th crack-down. In reply to a question posed by a foreign journalist during the NPC and CPPCC sessions in this past March, Chinese Premier Wen Jiabao stated: "We must concentrate all our time, energy and efforts on the development of our country . . . If China could have another 20 to 50 years of stability, our country would surely emerge stronger than ever before."

This assertion of the primacy of stability—that is, stability as synonymous with the survival of the supremacy of the Party at all costs—is a sobering echo of the statement attributed to Deng Xiaoping 15 years ago about the necessity to: "Kill 200,000 for 20 years of stability."

In their open letter to Chinese compatriots inside and outside China, the Tiananmen Mothers ask:

¹ See Tiananmen: The Once and Future China, China Rights Forum, No.2, 2004.

² For identification of some individuals sentenced to prison terms of 15 years to life for activities related to 1989 Democracy Movement, See In Custody: People imprisoned for Counter-revolutionary and State security crimes, China Rights Forum, No. 2, 2003, pp.88–91.

“Is this to say that if no one had been killed, we would not have today’s political stability? If no one had been killed, we would not have today’s economic miracle? If no one had been killed, we would not enjoy the status today and in the future of a world power? Over the past 15 years, nearly every leader in the Party and the government, almost without exception, has defended the suppression in 1989 with the “enormous accomplishments” of the subsequent years. In that case, we must now in equally clear and unequivocal terms tell these leaders: The massacre that took place in the Chinese capital in 1989 was a crime against the people, and a crime against humanity. This massacre not only seriously violated the Constitution of this country and the international obligations of a sovereign state, but also transformed a habitual disdain for human and civil rights into an unprecedented act of violence against humanity.”³

IS DEMOCRACY IN CHINA’S FUTURE?

The future of democracy in China is interrelated to the promotion of human rights and a rule of law that is transparent, fair, and a judiciary and process independent of the Party. Although there have been areas of improvement—increased average living standards, access to information, greater government participation in the international human rights regime—the human rights situation is generally worsening in other respects for the vast majority of China’s people.

As well documented by the World Bank, UNDP, Chinese researchers,⁴ human rights NGOs, including HRIC, and reported by this Commission and the U.S. State Department country reports on China, the human rights situation has overall deteriorated seriously and is marked by growing social inequalities and poverty;⁵ massive unemployment; and environmental degradation reaching crisis dimensions; severe restrictions on freedom of expression, including crack-downs on ethnic minorities, religious groups (Falun Gong, underground churches), independent political parties or unions, independent media; use of torture and mistreatment of prisoners, arbitrary detentions and arrests. Lawyers taking on cases that are politically sensitive may find themselves intimidated or themselves the target of prosecution.⁶

Today, 15 years after Tiananmen, facing increasing labor and social unrest, China is not more stable nor can it claim sustainable progress in equitable economic development. True social stability requires as fundamental conditions—protection of human rights, democracy, and a rule of law. The order that is maintained in the absence of these conditions is in fact just social repression and control.

DEMOCRACY IS INEVITABLE IN CHINA

Chinese democracy can only develop and be realized within a vibrant civil society, not a limited “non-critical realm” where any views contrary to the Party are silenced. Whatever direction the current ideological debates within China’s leadership takes about political reforms (or not), the Chinese government can not legitimately claim that it alone can define democracy, even “socialist democracy,” as only what it will allow; or that progress is measured predominantly by the interests of economic and political elites; or that elections, such as for Hong Kong’s LegCo, will be permitted but only if the results are what it approves.⁷

Yet democracy is inevitable because the aspirations, hopes, and the willingness to struggle for a more open and democratic China are still powerfully present and alive—against all odds. Despite the brutal invocation of military violence in 1989 to crush the democracy movement; a pervasive and powerful Chinese propaganda, police, and security apparatus; China’s growing global economic power (that China manipulates to undermine scrutiny and accountability for its human rights record); and a privileged and powerful Chinese elite bought off by economic and political

³ Open letter from the Tiananmen Mothers letter, available on the HRIC website <<http://iso.hrichina.org/iso/>>

⁴ Chinese Academy of Social Sciences report released February 26, 2004.

⁵ Official numbers place those living at absolute poverty at 30 million, while the World Bank estimates the number to be between 100–150 million persons.

⁶ According to the officials at the All China lawyers Association, more than 100 defense attorneys have been arrested for the on the alleged charge of making false statements in court. For example, Xu Jian was arrested in 1999 and sentenced to 4 years imprisonment in 2000 for “incitement to overthrow State power” because he had provided legal counselling to the workers at his office and via its hotline. Zheng Enchong provided legal advice and assistance to several hundred Shanghai families affected by redevelopment projects. He was sentenced to three years in prison on October 28, 2003 for “illegally providing State secrets to entities outside China.” On December 18, 2003, the appeals court denied Zheng Enchong’s appeal and affirmed the sentence, sending a chilling message to Chinese lawyers.

⁷ LegCo: Hong Kong’s 60-seat Legislative Council. Elections will take place in September, with the number of directly elected seats increased to 30.

benefits of supporting the present policies; despite all this—courageous Chinese—the Tiananmen Mothers, journalists, intellectuals, peasants, workers, students, Internet activists, religious practitioners, lawyers, artists, and poets, continue to write, to speak out, to organize mass demonstrations, form independent political parties, independent unions, to petition the government, and to appeal to international fora for redress and support.

We can support these human rights and democracy activists, these ordinary citizens claiming justice and freedom, by remembering the past, by not allowing the Chinese authorities' control over information and censorship to result in historical amnesia. Like the call from the Tiananmen Mothers, the names of those who were killed, the sacrifices made must not be forgotten.⁸ The Chinese government certainly has not forgotten and its actions in suppressing independent voices reflect a government still fearful and distrustful of its own people. In an effort to head off anniversary memorials and possible demonstrations, the Chinese authorities have cutoff phone lines, put under house arrest and close surveillance leading activists and intellectuals, including Liu Xiaobo, Ren Wanding, AIDS activist Hu Jia, and Tiananmen Mothers leaders Ding Zilin, Zhang Xianling, and Yin Min.

RECOMMENDATIONS

As part of its bilateral process with China and as part of multilateral processes such as the U.N. and the WTO, the U.S. Government should:

- continue to exert its influence with China by raising human rights issues and cases,
- support more coherent and rational implementation of international obligations, including trade obligations as they impact on human rights,
- in any technical assistance or exchange initiatives, build in a human rights assessment, and
- continue its critical support for civil society and democracy groups inside and outside China.

In the negotiations on behalf of individual political prisoner case, we also respectfully suggest that exiling dissident voices is not a sign of progress and does not contribute to the systemic reforms necessary for the advancement of democracy and human rights. Individual political prisoners should be released without conditions on their peaceful exercise of their rights, and be allowed to remain within their own country. That would be the true litmus test for democracy in China.

Thank you.

PREPARED STATEMENT OF ANDREW J. NATHAN

JUNE 3, 2004

Thank you for the opportunity to testify on the impact of Tiananmen on China's future.

Regime theory holds that authoritarian regimes are inherently fragile because of weak legitimacy, over-reliance on coercion, over-centralization of decisionmaking, and the predominance of personal power over institutional norms. This authoritarian regime, however, has proven resilient.

After the Tiananmen crisis in June 1989, many observers thought the Chinese communist regime would collapse. Instead, it brought inflation under control, restarted economic growth, expanded foreign trade, and increased its absorption of foreign direct investment. It restored normal relations with the G-7 countries that had imposed sanctions, resumed the exchange of summits with the United States, presided over the retrocession of Hong Kong to Chinese sovereignty, and won the right to hold the 2008 Olympics in Beijing. It arrested or exiled political dissidents, crushed the fledgling China Democratic Party, and seems to have largely suppressed Falungong.

We have not seen fundamental improvements in civil and political rights since 1989. Human rights is a multidimensional phenomenon. Some human rights in China have improved thanks to the growth of the economy—for example, fewer people are living in poverty. Some human rights have retrogressed due to the breakdown of socialist institutions—for example, subsidized medical care is no longer

⁸The June 4th Memorial Global Coalition, of which HRIC is a member, is organizing a candle-light vigil on June 4th in front of the Chinese Consulate in New York City from 7–10 p.m. For full details of June 4th memorial activities taking place around the world, please visit the Web site of the June 4th Memorial Global Coalition: <http://www.global64.com/>. To support the Tiananmen Mothers, see the Fill the Square Petition at HRIC's website <<http://iso.hrichina.org>>

available in the rural areas. But in the area of civil and political rights which most people think of when they think of human rights, there has been essentially no change since 1989. The regime continues to deny people the right to organize politically, and decisively crushes any political or religious movement that challenges its hold on power.

In my judgment, the Chinese government is not engaged in a gradual process of political reform intended to bring about democracy. Rather, the political reforms that we see—the use of village elections, greater roles for the local and national people's congresses, wider leeway for media reporting, the administrative litigation system—are aimed at improving the Party's legitimacy without allowing any opposition to take shape.

The causes of authoritarian resilience are complex. They include:

- Economic growth and constantly rising standards of living.
- Achievements in the foreign policy realm which give the government prestige among the people.
- Building of channels of demand- and complaint-making for the population, such as the courts, media, local elections, media, and letters-and-visits departments, which give people the feeling that there are ways to seek relief from administrative injustices. These institutions encourage individual rather than group-based inputs, and they focus complaints against specific local level agencies or officials, without making possible attacks on the regime. Thus they enable citizens to pursue grievances in ways that present no threat to the regime as a whole.
- A constant and visible campaign against corruption, which has sent the signal that the Party as an institution opposes corruption.
- Increasingly norm-bound succession politics and increased use of meritocratic as contrasted to factional considerations in the promotion of political elites.
- The Party has coopted elites by offering Party membership to able persons in all walks of life and by granting informal property-rights protection to private entrepreneurs. It has thus successfully constructed an alliance between the Party and the class of rising entrepreneurs, pre-empting middle-class pressure which elsewhere has contributed to democratization.
- Maintenance of unity on core policy issues within the Party elite, so there is no sign of a serious split that would trigger a protest movement.
- Resolute repression of opposition activity has sent the signal that such activity is futile. There is no organized alternative to the regime thanks to the success of political repression.

While these developments do not guarantee that the regime can solve all the challenges that face it, they caution against arguing too hastily that it cannot adapt and survive. In contrast with the Soviet and Eastern European ruling groups in the late 1980s and early 1990s, the new Chinese leaders do not feel that their model of rule has failed. To be sure, since the Mao period the Chinese Communist regime has changed greatly. It has abandoned utopian ideology and charismatic styles of leadership, empowered a technocratic elite, introduced bureaucratic regularization, complexity, and specialization, and reduced control over private speech and action. But it has been able to do all these things without triggering a transition to democracy.

Although such a transition might still lie somewhere in the future, the experience of the past two decades suggests that it is not inevitable. Under conditions that elsewhere have led to democratic transition, China has made a transition instead from totalitarianism to a developmental authoritarian regime, one that has widespread popular legitimacy among its own people, that has gained the support of its own middle class, and that for now appears stable.

PREPARED STATEMENT OF HON. JAMES A. LEACH, U.S. REPRESENTATIVE FROM IOWA,
CHAIRMAN, CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

JUNE 3, 2004

DECENTRALIZED DEMOCRACY: A MODEL FOR CHINA¹

In any discussion of the prospect of democratization of China we must begin with the basics.

At the root of the basics are theories of revolution, theories of the individual, theories of economics, and questions of the adaptability of abstract systems to the culture and heritage of people in varying circumstances.

¹This statement was also presented at the Library of Congress Symposium held on May 6, 2004.

Here a footnote is in order. Whether our intervention in Iraq is proper or counter-productive, the legitimacy as well as the challenge of imposing democracy in a hostile environment is under review here and abroad. Last week the head of a Baghdad psychological institution visited my office and, in response to questions I posed, noted that the majority of Iraqis want a strong leader, but one they would have a hand in choosing; and a credible legislature, also based on citizen input; but they increasingly object to the word “democracy” because it is foreign derived. They want, like Americans, to be citizens with democratic rights and the power to control their government, but they aspire to establish a government compatible with their own unique social and religious heritage.

If one assumes that abstract systems of government must fit historical frameworks and the accident of social challenges at given points in time, what is so interesting about China today is that the communist model, which convulsed the country for such an important part of the 20th Century, is so alien to China’s heritage. While the radicalism implicit in Marxism-Leninism may have been useful in galvanizing nationalist sentiment as the Chinese people faced Japanese aggression during the Second World War, few theories either of revolution or governmental management have been more troubling for those who have experimented with them.

It is my thesis that just as Americans would be wise to learn from older elements of Chinese civilization, particularly as we contend with modern problems of family break-down and urban violence, the Chinese might want to review the possibility that the decentralized American model of democratic government fits their society better than it fits smaller, more homogenous countries, including those in Europe.

To bolster my thesis, I would like to dwell for a moment on the fundamentals of the American system.

While communism is based on historical, particularly economic, determinism with a presumptive vanguard leading a class struggle, American revolutionary philosophy is premised on the empowerment of individuals endowed by a Creator with inalienable rights.

Because Americans have a general aversion to radical thought and radical change—what Tocqueville described as a cultural penchant for moderation—we have a tendency to overlook one of the profoundest of political facts: that our philosophy not only provides the most adventuresome and humane model of political and economic organization in history, but it is also a more radical revolutionary model than that provided by Marxism-Leninism.

In contrast with Marxism-Leninism, Jeffersonian democracy postulates change from the bottom up, not top down, and affirms an everlasting right of the people to revolt against governments which don’t protect individual rights.

In a Jeffersonian context it is revolutionary to assume that governments derive their power and legitimacy from—and only from—the consent of the governed. It is counterrevolutionary to hold that rights are artificial things granted and thus removable by law, one’s own or anyone else’s.

I stress for a moment that the Jeffersonian model is more revolutionary than that provided by Marxist or extremist Muslim dogma because the hallmark of the right to revolt in natural rights theory is the establishment of constitutional democracies capable of channeling change without coercion. While during the Cultural Revolution Mao Zedong rationalized punitive acts by advancing a theory of permanent revolution, it is in individual rights centered systems that the permanence of revolution is ensconced. In an evolutionary way, ideas, people and movements are continually engaged because the right to revolt implicit in such documents as the Declaration of Independence and the Rights of Man provides a doctrine of empowerment to the people rather than to elitist leaders claiming the divine mantle of God, mandate of Heaven or the power to ride and interpret a crest of historical forces.

By contrast, totalitarian creeds from fascism to communism may be rooted in an effort to revolt against an existent government, but once power is usurped from prior authorities the right of individuals to establish a basis for future revolutionary or evolutionary change ceases. Such theories of revolution which call for change at the top and then deny further changes become rationalizations for oppression rather than emancipation.

America’s founders were moral as well as political philosophers. They understood Locke’s admonition that man was prone to excess and that, in fact, nothing was more dangerous than a good Prince. Inevitably some decisions of such a Prince would be mistaken and invariably a good Prince will be succeeded by a less good one who would have the benefit of accumulated, unchecked confidence and power. Accordingly, the founders embraced Montesquieu’s separation-of-powers doctrine and established a limited, constitutional republic.

Likewise, in contrast with the Marxist foundation of socialism, Jeffersonian democracy embraced Lockean property concepts. Emphasis was placed on individual

rights and private property, rather than social obligations defined by others and government ownership of the means of production.

Unlike Marx, who believed that religion was the “opiate of the people,” our country’s founders held that ethical values, derived from religion, anteceded and anchored political institutions. It is the class struggle implications of Marxism—the exhortation to hate thy fellow citizen instead of love thine enemy—that stands in stark contrast with the demand of tolerance built into our Bill of Rights.

From the American perspective, the real opiate of the 20th Century would appear to be intolerance, the instinct of hatred which becomes manifest in the individual and unleashed in society when governments fail to provide safeguards for individual rights and fail to erect civilizing institutions adaptable to change and accountable to the people.

In America, process is our most important product. A great deal of emphasis is placed on the “how” rather than the “what” of policy, on the assumption that the public will not like all laws; therefore, to have respect for the law, people must have respect for the way a law is made. Otto von Bismarck joked that the public shouldn’t be allowed to watch too closely either law or sausages being made, but the fact is that, if anything, openness is America’s secret sauce. It is no accident that the first protections we established in our Bill of Rights were freedom of expression and freedom of the press so that public officials could be held accountable.

As Jefferson, Locke’s philosophical godson, observed: “The basis of our government being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether to have a government without newspapers or newspapers without a government, I should not hesitate to prefer the latter.”

In America, we developed a system of separation of powers at the national level and purposeful tension between the Executive, Legislative, and Judicial branches; and then we decentralized power by quadruplicating the same separation-of-power arrangements at the state, county, and city levels. We established a system of courts, legislatures, and executive offices where there would not only be separations and tensions within but between levels of government. We have even been experimenting since the 1960s with skipping jurisdictions and providing federal funds directly to community groups operating poverty programs outside the formal framework of government institutions and, despite constitutional fences between secular and religious institutions, we have in recent years emphasized the utilization of faith-based organizations to administer government programs. Contracting out government functions, even those related to war, is becoming common.

I stress these decentralized tensions because all societies have problems of accountability, of reconciling freedom with equality of opportunity. In America, the greed of a few is evident in periodic corporate excesses and, now and again, comes into play in politics. But while corporate scandals sometimes involve large sums of money, American political scandals are generally quite cheap. The egregious sums of money that slosh through the political system are manipulated by interest groups to advance the electoral ambitions of candidates, but they cannot be used to enrich the candidate himself. The decentralization of power in America has by and large kept government accountable to the people and allowed an incentive market system to operate with a minimum of conflicts of interest.

Self-interest may not seem to be an attractive underpinning of moral philosophy, but history is demonstrating that a private incentive system effectively complements a political system based on individual rights, and vice-versa. As Mandeville in his 18th Century satire of capitalism, the poem *Fable of the Bees*, so poignantly noted: “these are the blessings of the state, their crimes conspire to make us great.”

I stress the issue of corruption because it is so morally and economically debilitating in any society. One of my favorite quotes at the time of the Tiananmen Square demonstrations came from a BBC interview with a student demonstrator. The interviewer asked the student what he and his fellow demonstrators hoped to achieve. “Democracy,” the student said. He was then asked what “democracy” meant to him. “No more corruption,” he responded. He didn’t define democracy as the right to vote or freedom of speech. Instead, he defined its effect: the power of people to constrain corruption.

The problem of all citizens is to devise techniques to ensure that government becomes an honest broker of vested interests and, at the same time, helps lighten the load for those unable to help themselves.

In the context of China, the economic reforms Deng Xiaoping initiated in the late 1970s have produced certain regional and other inequities, but also unprecedented economic dynamism.

To harness this economic growth, China in the past quarter century, particularly the last decade, has undertaken a massive effort to revise its legal system. A new constitution was adopted in 1982 and it has already been amended four times. The

Chinese government has enacted numerous laws laying out and formalizing the structure of the state, and creating comprehensive criminal, civil, and administrative procedures. In addition, the government has adopted commercial laws and regulations at every level, many specifically drafted to bring, or give the appearance of bringing, the country into compliance with the obligations of WTO membership.

In international affairs, China has begun to wield influence in the Security Council and to assert its authority as a regional power, laying the groundwork for an expanded involvement on the Korean peninsula and in Southeast Asia, as well as the oil-rich but undeveloped Central Asian republics. But problems loom ahead that may yet undo some or all of the progress that has been made.

- Widespread factory closures and lay-offs in the state-owned sector of the economy have left behind many unemployed workers, while urban and rural evictions to make way for new construction have created large groups of angry displaced residents, many of whom flock to Beijing to complain.
- Although widely publicized, many of the new laws have proven difficult or impossible to implement. In the area of international trade, the Chinese intellectual property regime is still more symbol than reality. In commercial and civil law, judgments are often difficult to enforce. Labor laws related to health and safety, overtime and payment of overdue wages, and laws forbidding the levy of illegal fees are most often honored in the breach.
- Despite much anti-corruption legislation and the establishment of multiple overlapping supervisory institutions, most citizens have lost confidence in the honesty of Communist Party and government officials.
- Environmental abuse has created threats to health and prosperity, including severe air pollution, imminent insufficiency of drinking water, and the irreversible loss of natural resources.
- An underfunded public health system cannot offer ordinary care and is dangerously incapable of coping with the sudden health crises in a globalized world.
- China's policy of seeking to press Beijing's norms on Hong Kong and greater authority over Taiwan are unacceptable to the populations concerned, while the "autonomy" guaranteed by China's nationalities laws is undercut by harsh state security policies.

As the 21st century advances, the impact of these and other problems may lead to the Communist Party's loss of any legitimacy it ever had. This loss in turn might precipitate the worst nightmare for China's leaders: widespread unrest, possibly social and political chaos.

Many in China are already aware of the growing gap between the winners and the losers in the new economy. The Party has recently invited some of the winners—the entrepreneurs, developers, professionals, and financiers—to join the Party as "socialist builders." The jury is still out whether these new members can save the Party from irrelevance in a changing economy. To persuade prospective members that Party membership will mean real influence on policy and leadership, the Party has also been experimenting with "inner-Party democracy," with a goal of producing a higher general quality of leadership and perhaps greater accountability.

The losers, however, seem to have become alienated from the Party. Farmers have organized themselves to resist unjust local government decisions, and evicted residents have adopted radical tactics to draw the state's attention to their complaints. The Chinese leadership in Beijing increasingly betrays a siege mentality in the face of the misery and anger that petitioners bring with them to the capital.

In this context, the question is pondered in and outside China whether democracy can help the Chinese people resolve such enormous problems. Chinese political theory still depends on the borrowed Leninist model. In conformity with that model, China claims to have implemented "democratic centralism," in which "the individual should be subordinated to the organization; the minority should be subordinated to the majority; the lower-level organ should be subordinated to the higher-level organ; the local authority should be subordinated to the central authority." The so-called "democratic" part of the model is defined as the "mass line," which allows some upward movement of ideas from the people to the central leadership, but functions most powerfully in campaigns to publicize and enforce the center's decisions on the people. In a state built on this model, the individual is effectively reduced to a cipher, present only to be controlled, and the government remains more a source of, rather than cure for, social problems.

The cure will depend on a simpler idea of decentralized democracy: one that gives each individual a public voice; one that provides for every individual's participation in the choice of officials and policies; and, just as important, one that empowers each individual openly to criticize the results and to change them.

For basic democracy to work anywhere, citizens need a free flow of information, so that, for example, public health crises such as HIV/AIDS or SARS can come to light without delay; so those injured by state officials or policies can safely speak out and organize to oppose them; and so that those harmed by corrupt or incompetent officials can blow the whistle and initiate procedures to remove them without fear of retribution.

But in a huge country like China democracy can facilitate the resolution of actual and potential crises only if the government listens to its citizens and implements on a decentralized basis the solutions they demand.

Democracy in any country means the legal empowerment of every individual. To try to get help from the State, the losers in the new economy now take advantage of China's extensive system of *xinfang*, meaning "Letters and Petitions." The *xinfang* system is based on the establishment of special offices at every level of Chinese government. The offices are staffed by people with the duty to receive and resolve the questions brought before them. This system has deep roots both in early Chinese philosophy and in the history of China's imperial governments.

In explaining how Heaven legitimizes a new ruler, the Warring States philosopher Mencius quotes from an early classic, The Book of Documents:

"Heaven sees with the eyes of its people.
Heaven hears with the ears of its people."

Emperors attentive to Mencius' warning devised ways to remain legitimate by being open to the views and complaints of the populace. A colorful Tang dynasty practice involved the *ligui*, or "Report Coffers," set out around the court in the four cardinal directions. In these coffers citizens placed requests for help, complaints of injustice, and criticisms of various kinds.

To an American eye *xinfang* resembles a constituent services system. In China, however, the catch is that nobody really has to pay heed to the petitions that come in. In Iowa, by contrast, a constituent who contacts a Congressman's office and is ignored, or receives rude, dismissive treatment will make his or her displeasure known with a vote at the next election.

The rising exasperation and desperation of petitioners in Beijing and the provincial capitals that have been reported in recent years reveals a populace ready for a more responsive government, one which provides legal and political ways to insist rights not be trampled.

The capacity of citizens to insist on rectifying wrongs is a missing element of the current Chinese system. While the creation of structures to answer this demand is up to the Chinese people, it is instructive that *xinfang* petitioners are increasingly focusing on opening up the National People's Congress and asking that it encourage elections at all levels. The National People's Congress has sponsored a few pilot election projects at the lowest levels of political organization, but it is difficult to assess their value because there have been, to date, so few projects.

This past March, just before the annual meeting of the National People's Congress, China's state news agency asked readers which issue they thought should take priority on the NPC agenda. More than 80 percent of those responding said "corruption." This high level of concern about corruption may reflect the shocking news that 13 top provincial officials were convicted of corruption, some cases involving amounts of money that in Chinese terms appear astronomically large. To get an idea of the significance of those cases, consider how Americans would react to the news that the governors or lieutenant governors of half of our states were felled by corruption scandals in a single year. This is one reason why most Chinese view the problem as more systemic than aberrational, and the attempts at accountability more superficial than comprehensive.

Corruption was an important question to the magistrates of the Qin and Han dynasties, China's first unified imperial systems. One magistrate's grave from 188 B.C. contained a handbook of key cases distributed to local magistrates to instruct their handling of particular problems, including official misuse of public money, property, and servants.

Recognizing that widespread corruption might undermine its legitimacy, the Communist Party in the aftermath of the 1949 Revolution, established a number of top-down mechanisms to fight, or give the appearance it was fighting, the problem. The first such mechanism was the "Control Commission," established in 1950. Other bodies were created in subsequent years, such as the Central Disciplinary Inspection Commission, the Ministry of Supervision, the Ministry of Inspection, and the Procuracy. Many of these organizations have branches at all governmental levels. But even with a dizzying multiplicity of these supervisory agencies, little seems to slow the flourishing corruption "industry."

Each instance of corruption has its injured party: the residents forced off their land to increase the wealth of an urban developer; the honest taxpayers who must take up the slack when corrupt officials help their children's companies evade the value-added tax; the honest bidders on public contracts who lose opportunities to well-connected bidders; the villages whose hard-earned school fees are diverted to pay for fancy lunches for bigwigs.

In some cases, the injured party has the power to strike back. In one recent case, a high Bank of China official made suspect loans to a wealthy property developer and his wife for a lucrative Shanghai development project. Some of the loans were made from the Bank's Hong Kong branch. They came to light under the Special Administrative Region's Transparency rules and a Hong Kong investigation ensued. Investors on the Hong Kong Stock Exchange could rely on Hong Kong's laws to rectify malfeasance. The banker was fired, expelled from the Party, and sentenced to 12 years in prison for corruption. The developer's wife was arrested but a Hong Kong investigation into the financial dealings of the developer himself hit a dead end in Shanghai. The mainland Chinese people whose homes were razed to make room for the development financed by the fraudulent loans were unable to hold any of the three accountable under Chinese law. Indeed, some of the homeowners who made their way to Beijing to complain were themselves punished as troublemakers.

The lesson here is that even the existence of laws cannot prevent or even result in the punishment of corruption if they can be trumped by a veiled "party in interest." Another lesson is that lack of transparency in the banking and securities industries may well be a "glass ceiling" that prevents China from participating more widely in the world's capital markets. Already, some journalists report that interest in Chinese IPO's has cooled, as investors realize that a gulf exists between the due diligence available in China and that practiced elsewhere.

And, ironically, Chinese anti-corruption laws have been misused by a vengeful local government to punish a progressive South China newspaper for its exposés. The Southern Metropolitan Daily, published in Guangzhou, reported in 2003 a student's death in the harsh "Custody and Repatriation" system. Its articles on the case ultimately resulted in the State Council's decision to abolish the system. The newspaper also played a role in publicizing the threat of SARS, which local officials evidently sought to cover up to avoid hurting the local economy. Southern Metropolitan Daily also reported on the avian flu threat in 2003. But this year local government officials found an excuse to prosecute the editors involved, using the anti-corruption laws to attack the newspaper's allocation of bonus money. As a result of these prosecutions, the independent voice of the Southern Metropolitan Daily has been curtailed.

From this type of case, we learn that it is not enough to pass laws and rules to control corruption from the top. Even the best laws require the power of an informed and active citizenry able to hold officials accountable with the sanction of the ballot box.

China is large and diverse with a multi-century tradition of decentralized provincial autonomy and, at various points in its history, a reliance on magistrate-scholars. It is this decentralized magistrate-scholar tradition coupled with expanded democratic rights that authorities in Beijing might be advised to think through as they deal with various tensions in internal citizen relations.

Hong Kong is a case in point. America as well as China has an enormous vested interest in the success of the "one country, two systems" model in Hong Kong. From a Congressional perspective, it would appear self-evident that advancing constitutional reform—including universal suffrage—would contribute to the city's political stability and economic prosperity.

The people of Hong Kong made plain their aspirations for greater democratic autonomy, aspirations fully within the framework of the "one country, two systems" formula, when they so impressively demonstrated on July 1 last year. In the aftermath of those peaceful demonstrations, the Hong Kong government appeared to listen to the people and withdrew controversial national security legislation pending additional consultations with the populace of the city. The people of Hong Kong again showed their keen interest in participatory democracy when they turned out in record numbers for District Council elections last November.

Regrettably, however, recent decisions by Beijing setting limits on constitutional development in Hong Kong, appear to be inconsistent with the "high degree of autonomy" promised by the central authorities in the 1982 Joint Declaration and the Basic Law.

Whether the 21st Century is peaceful and whether it is prosperous will depend on whether the world's most populous country can live with itself and become open to the world in a fair and respectful manner. Hong Kong is central to that possibility. As such, it deserves our greatest attention, respect, and good will.

Hong Kong is important unto itself; it is also a model for others. What happens there is watched particularly closely by the Taiwanese. In a globalist world where peoples everywhere are seeking a sense of community to serve as a buttress against political and economic forces beyond the control of individuals and their families, it is next to impossible to reconcile political systems based on unlike institutions and attitudes. Mutual respect for differences is the key to peace and prosperity in a world in which history suggests conflict has been a generational norm.

With reference to Taiwan, last month marked the 25th Anniversary of the enactment of the Taiwan Relations Act (TRA). As one who was a proponent of the Act, I am proud of a small provision I authored relating to human rights and democratization. And as a lead member of what came to be known in the 1970s and 1980s in Taiwan as the Congressional "Gang of Four," a small band of Senators and House Members (which also included Senators Kennedy and Pell and Representative Solarz) who advocated greater democratization on the island, I came to know many of the current leaders of Taiwan. It is with the greatest respect that I observed the courage and sacrifices of those who challenged their government to open up to democracy. It is therefore with the humility of a legislator who never had to face, as they did, the prospect of imprisonment for holding views different than that of authorities in power that I am obligated to underscore a message of restraint for Taiwanese leaders today.

But first let me stress that the vibrant multi-party system and opportunity-oriented economy that has developed over the past 25 years on Taiwan is a prototype for the world of progressive political and economic change.

The miracle of Taiwan's peaceful democratic transition is of great significance not only to its 23 million citizens, but also to the billion residents of the Chinese mainland who now have the chance to review another model of governance and social organization of a people with a similar cultural heritage.

The government and citizens of the United States have an enormous vested interest in peaceful relations between Taipei and Beijing. All Americans strongly identify with Taiwan's democratic journey and we join in celebrating the fact that the people of Taiwan now enjoy such a full measure of human freedom.

More broadly, we are acutely conscious that the 20th Century was the bloodiest century in world history. It was marred by wars, ethnic hatreds, clashes of ideology, and desire for conquest. Compounding these antagonisms has been the prideful miscalculation of various parties. Hence it is in the vital interests of potential antagonists in the world, particularly those on each side of the Taiwan Strait, to recognize that caution must be the watchword in today's turbulent times. Political pride and philosophical passion must not blind peoples to the necessity of rational restraint. Peaceful solutions to political differences are the only reasonable framework of future discourse between the mainland and the people of Taiwan.

Here, it is critical to review the history both of the breakthrough in U.S.-China relations that occurred during the Nixon Administration and the philosophical aspects of American history which relate to issues of a nature similar to mainland-Taiwan divisions today. First, with regard to U.S. recognition of China, which was formally ensconced in a carefully negotiated communiqué and two subsequent understandings, the U.S. accepted a "One China" framework for our relations with the most populous country in the world. The three Executive Branch communiqués were complemented by the Taiwan Relations Act, which establishes a commitment of the United States that no change in the status of Taiwan be coercively accomplished through the use of force.

The American heritage is that consent of the governed is the principal basis of governmental legitimacy, but from the beginning of the republic we have accepted the notion there are many sovereign states that do not share our philosophical value systems. Accordingly, we chose to formally recognize the government in Beijing as the effective government of the Chinese people even though, like Moscow at the time, that government was philosophically modeled in a way we found inappropriate.

Ironically, while anti-communist, the party of Chiang Kai-shek on Taiwan had certain organizational attributes similar to the Communist Party on the mainland. And in one circumstance of philosophical consistency, both the Kuomintang of Chiang Kai-shek and the Communist Party of Mao Zedong claimed to be the governing party of all of China, including Taiwan. Hence, the Nixon "one China" approach did not contradict the nationalistic positions of the Kuomintang or the Chinese Communist Party.

The dilemma which comes to be accentuated with the passage of time is the question of whether Taiwan can legally seek today *de jure* independence on the basis of a referendum of the people. Here, there are contrasting models in American phi-

losophy and history as well as security concerns for all parties to a potential rupture that must be prudently thought through.

Philosophically, Americans respect Jeffersonian revolutionary approaches. We also respect Lincolnesque concerns for national unity. Jeffersonian radicalism dictates one way of looking at Taiwan; Lincolnesque concerns that a house divided can not ultimately stand lead to another conclusion. It is in this context that America delivered a split judgment. The three communiqués affirmed “one China” and the Taiwan Relations Act affirmed *de facto*, but not *de jure*, relations with a government of a non-state, one which was authoritarian in the 1970s but strongly democratic today. But from the perspective of the American government, there should be no doubt of the consistency of American policy. Under this President, as each of his predecessors—Presidents Nixon, Ford, Carter, Reagan, Bush, and Clinton—the governing American position is the acknowledgment of the Chinese position that there is but one China of which Taiwan is a part. For U.S. or Taiwanese leaders to assert any other position would create an earthquake in world affairs.

The issue of Taiwan is unique but anything except abstract. It is conceivable that missteps of political judgment could, more readily than many suppose, lead to World War III. More likely, misjudgments could precipitate a civil war as irrational, although of a vastly different kind, as the Taiping Rebellion of the 1850s. While it may be natural for many Taiwanese-Americans and many, but perhaps not a majority of Taiwanese on the island, to advocate irrevocably breaking off all ties with the mainland, there should be no misunderstanding the consequences of such a decision. It would lead to a war and the death of millions.

The precepts of “self-determination” and “independence” may in most political and historical contexts be conceptually almost synonymous. But these two precepts are juxtaposed on one place on the planet. Taiwan can have *de facto* self-determination—meaning the ability of a people to maintain a government accountable to its populace—only if it does not attempt to be recognized with *de jure* sovereignty by the international community. To be precise, the Taiwanese people can have self-determination as long as they do not seek independence; if they assert independence, their capacity for self-determination will collapse. Hence, for the sake of peace and security for peoples of the island and the broader Asia-Pacific region, there is no credible option except to emphasize restraint.

While clarity of national identity is psychologically attractive, security for the Taiwanese people comes best with political ambiguity. There is simply nothing to be gained by steps toward independence if such steps precipitate a catastrophic and unwinnable conflict between the mainland and the island.

Care has to be taken that all parties concerned fully comprehend the latent and deepening dangers across the Taiwan Strait. The last thing any of us want is a replay of “The Guns of August,” with Taipei becoming a 21st century Sarajevo. Taipei’s leadership must understand that while it may be true that Beijing’s priorities today generally relate to economic development, there is no peaceful prospect of sundering the mainland’s “one China” claim. Any unilateral attempt by either side to change the status quo across the Taiwan Strait is fraught with danger of the highest order.

As we make it clear to China that the U.S. is steadfastly committed to ensuring that the status of Taiwan not be altered by force, we also have an obligation not to entice Taiwan through ill-chosen rhetoric of “ours” or “theirs” into a sovereignty clash with China. Substantial Taiwanese self-determination can be maintained only if sovereign nationalist identity is not trumpeted.

Together with our historic “One China” policy, the Taiwan Relations Act has to date made an enduring contribution to peace and stability in the Taiwan Strait. It provides a sturdy framework to help ensure Taiwan’s security. There should be no doubt that Congress stands with the Administration in a common determination to fulfill obligations under the TRA. But these obligations presuppose that Taiwanese leaders must understand and mainland resolve the stakes at issue and refrain from capricious actions that invite conflict or make constructive dialogue impossible.

Beijing also has implicit obligations to the international order. Yet it is amazing how so-called realists in government circles in so many capitals underestimate the “soft power” of people-to-people and cultural relations.

While recent years have witnessed a new maturity and sophistication in Chinese foreign policy, more nuanced and pragmatic policy approaches have not generally been applied to Taiwan.

For instance, instead of seeking to isolate Taiwan, isn’t it in Beijing’s interest to be magnanimous toward the people of the island?

If advocacy of independence is off the table, shouldn’t Beijing cease its objections to the foreign travel of Taiwanese leaders?

Shouldn't it shepherd Taiwanese membership in international organizations that do not imply sovereignty—such as helping Taiwan gain observer status in the World Health Organization?

Rather than setting deadlines for unification or continuing a counterproductive military buildup, wouldn't Beijing be well-advised to emphasize culture and economics in its relations with Taipei?

Wouldn't the granting of scholarships to Taiwanese students yield greater dividends than misdirected investments in threatening missile systems?

Wouldn't it be reasonable to assume that Taiwanese attitudes toward the mainland would improve if Beijing's leaders made air transport between the island and the mainland easier?

And wouldn't it be reasonable to assume that the attitudes on the mainland would become less polarized if the Taiwanese promoted tourism and education exchanges with mainland residents?

Shouldn't each side barrage the other with cultural exchanges—painting, poetry, dance, drama?

And, on the military front, wouldn't it be in both side's interests to upgrade communications, widen professional exchanges, and engage in confidence building measures to reduce the likelihood of accidental conflict?

In all human circumstances, wars in particular, there are analogies, although seldom exactly replicable conditions. I began this too-long speech with an aside about attitudes toward democracy in Iraq. A follow-on analogy may be in order. This President's father masterfully led the international community in the liberation of Kuwait. American diplomacy, however, that preceded Saddam Hussein's decision to invade is open to question. In her one meeting with Saddam, the American ambassador did not have the presence of mind to warn of the consequences of military action, in part because few in Washington or the region thought Saddam's saber rattling to be more than show. Likewise, a high profile Congressional delegation that visited Saddam apparently also missed the big picture. At the risk of presumption and perhaps over-statement, America today is watching 'the build-up of polarizing attitudes on both sides of the Taiwan Strait that demands attention and review by all parties, including the United States. Whether prospects of conflict are 50 percent or only 5 percent, they are too high.

The greatest geo-strategic irony in world affairs is that the U.S. and China have a commonality of interest and are working well together to resolve or at least constrain challenges associated with North Korea where the economics and politics of an isolated, rogue regime have deteriorated to the point of potential implosion. But it is Taiwan where economics and politics have conjoined to take more progressive strides than any place on earth over the past generation that the greatest prospect of conflict may exist in Asia. In this circumstance common sense would indicate that the U.S. has an obligation not to egg Taiwan on in unrealistic independence ambitions and China has an obligation not to commence a series of steps that could escalate tension and lead in a domino decision-making fashion to unavoidable conflict.

Nonetheless, we must recognize that mainland Chinese society is changing far more rapidly than most Americans realize. While the political system largely protects status quo power arrangements, the ability of individual citizens to discuss and criticize governmental policies within family, school, and workplace environments increases with each passing year. And in the field of economics, the late Deng Xiaoping underscored China's pragmatism with his cat and mice metaphor.

To some degree, that pragmatism has been extended to Communist Party ideology. The class basis of social leadership has been broadened. The Party is now told it represents the advanced forces of production, culture, and the fundamental interests of the vast majority of the people, and as a consequence entrepreneurs and citizens of accomplishment are being encouraged to seek Party membership.

But just as red-painted cats aren't very cagey in the marketplace, so gray coats aren't very invigorating in government. Competitive decentralized politics best fits competitive, free markets.

Perhaps the only revolutionary leader held in high esteem in both Beijing and Taipei is Sun Yat-sen. His principal contribution to Chinese political thought is the precept of a three-stage, guided evolution to political democracy. His modern day disciples are frustrated that they are stultified in a second stage, the so-called period of "democratic tutelage," a time marked in today's China by a freeing up of commerce but not politics. These citizens assume that the country is now capable of moving rapidly to the third stage, full democracy, and that there is simply an incompatibility of China's free markets with its authoritarian political system.

From an American perspective, the assumption is that China's economic and social system cannot develop to its fullest unless the rule of law and its associated rights—including freedom of speech and of the press, due process for disputes over

contractual obligations, and a judiciary that efficiently and fairly adjudicates disputes—are made central tenets of Chinese life.

Instability is simply too easily unleashed in society when governments fail to provide safeguards for individual rights and fail to erect political institutions adaptable to change and accountable to the people.

Let me conclude with one of my favorite anecdotes about a Chinese leader. A little over a generation ago a group of French journalists interviewed Zhou Enlai and at the end of their discussion asked him what he thought was the meaning of the French Revolution. He hesitated and then said, “It is too early to tell.”

With Zhou’s restraint in mind, it may be too early to tell the exact ramifications of a quarter century of economic reform in China. But it is certain that the ramifications are deep and profound and whether political change will occur this week, next year, or next decade, change is inevitable. The only question is whether that change will be principally for the good.

From a Chinese perspective, Zhou may have been right to reserve judgment. It is too early to assess the meaning of the French Revolution in an Asian context. Thirty years ago, many western educated Asians were Franco-Jeffersonian democrats. Jefferson’s emphasis on individual rights—life, liberty, and the pursuit of happiness—and the revolutionary French call for *liberte, egalite, fraternite* appeared to be compelling universalist notions vastly preferable to Marxist jargon. Today, however, Asian intellectuals accept the market economy and recognize the coercive nature or, at best, irrelevance of Marxism. But they look at the interventionist nature of contemporary American foreign policy in the Middle East and the violence of American culture at home and many have concluded that unconstrained power and unmitigated freedom can sometimes produce negative consequences. They believe that rights should be tempered by a concomitant emphasis on responsibilities and that a cohesive society requires a greater neo-Confucian family and, by implication, governmental discipline.

So while the future of the Chinese-American relationship may primarily relate to the direction of change in China, it also relates to the direction of change in American governance and culture. America sees issues between our countries reflected in the balance of trade, in the sharing of global obligations, in the defusing of tensions in countries like North Korea, in Chinese belligerency, or lack thereof, in relations with its neighbors. But, at the same time, China is apprehensive about the possible development of an American enemy-oriented mindset and about the potential dissolution of traditional American family values. They would like us to become more Confucian as we would wish them to become more Jeffersonian.

In the years since the tragedy at Tiananmen Square, pundits at several points have declared U.S.-China relations to be at a confrontational crossroads. Each time, the leadership of both countries chose to exercise restraint and find ways to pragmatically address the issues of concern. These action-reaction incidents suggest Beijing’s leadership is prepared to moderate decisions based on overriding economic and other pragmatic priorities and that Washington is prepared to maintain its focus on the long-term and endeavor to build a cooperative, mutually beneficial framework for Sino-American relations, one that welcomes greater Chinese participation in the rules-based international system, and encourages progress by China toward a more open, accountable, and democratic political system.

Finally, a note about the consequences of a possible advancement of decentralized democracy in China. Such would enhance what used to be quaintly described in America as “domestic tranquility” by making internal decision-making more accountable to and thus more acceptable by the people. It would also make the prospect of conflict with other countries, particularly the United States, less likely. But great power differences of judgment and interests would continue. History suggests that democracies are less prone to go to war with each other, but governments reliant on citizen input can from time to time accentuate a populist hardening of differences, which in a U.S.-China context could include issues as diverse as trade policy, family planning, and the muscularity of power projection. Democracy implies a political process—preferable to all others—but it is not a guarantor of good judgment. What it provides, however, is a shortened feedback mechanism to ensure policy adjustments when policy mistakes are made.

The nature of politics is that pride plays a disproportionately large role relative to its role in other human enterprises. The human factor—foibles in particular—can never be underestimated in governmental decision-making. As two obscure 19th century Italian political theorists—Vito and Pareto—noted: whatever the political system, at critical times a few at the top have the authority to make decisions for a nation. In times like these, leaders, no matter how democratic and well intended (or the reverse), can make mistakes that carry monumental consequences. It is in this sobering context that the most important bilateral relationship of the 21st Century

will be between China and the United States. If that relationship is ill-managed, the likelihood of conflict and economic trauma will be great. But if the relationship is managed well, the benefits in terms of economic prosperity and world peace will be commensurate.

PREPARED STATEMENT OF HON. CHUCK HAGEL, U.S. SENATOR FROM NEBRASKA,
CO-CHAIRMAN, CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

JUNE 3, 2004

Washington, DC.—Fifteen years ago the People's Liberation Army cleared Tiananmen Square of the peaceful demonstrators who had held it for several weeks. The shocking sounds and images of unarmed students and workers gunned down by Chinese troops remain vivid in our minds. The demonstration was crushed that awful day, but the optimism and possibilities represented by those fighting for a future democratic China were not. We meet today to remember their voices, and assess China's progress in meeting their goals.

I am especially pleased that this Commission will hear today from two leaders of the 1989 democracy movement, Mr. Wang Youcai and Ms. Lu Jinghua. These individuals have never given up the struggle for their country's democratic future, and their insights and sacrifice will greatly inform today's proceedings.

Mr. Chairman, I congratulate you for holding today's hearing. China today faces important choices for its political future. These choices will affect the lives and welfare of all Chinese citizens, but China's size and growing importance guarantee that these same choices will reverberate around the globe in ways that we can only dimly predict and understand today. China's future is also important to America's future. It is in our interest to work broadly and deeply with the Chinese government using all the bridges and opportunities available to us to help shape and ensure a democratic future for China.

China is a much-changed and much-changing place. The results of two decades of market reforms are visible nearly everywhere. The cold, gray Beijing airport where I first saw China on New Year's Day in 1983 has long been replaced with a state-of-the-art facility. The skylines of China's major cities have changed dramatically. These are the most prominent symbols of China's new wealth, but the economic reforms that generated these changes have also fundamentally altered the dynamics that will define China's future.

The economic realities of building a modern nation while feeding, clothing and employing 1.3 billion people have begun to drive China in directions that, I believe, some within the Communist Party have not wanted to go. The twin demands of political stability and continued economic progress have spurred legal reforms that someday may be the leading edge of constraints on the arbitrary exercise of State power. Elections at the village level are now commonplace in China, and limited experiments like these continue at other levels of government. Shanghai is experimenting with public legislative hearings, and the term "human rights" was recently added to China's own constitution.

While these changes are important, the gap between forward-looking economic freedoms and a backward-looking political system remains significant. The Communist Party continues to crush any person or movement it perceives as challenging its hold on power. But there are leaders now within China that comprehend the necessity for change, and understand that inflexibility, secretiveness and a lack of democratic oversight now pose the greatest challenges to continued development. President Hu Jintao and Premier Wen Jiabao have demonstrated, albeit unevenly, that they may be two such leaders, but they will need to gather considerable reformist courage to drive continued change. Not overnight, but in ways that Chinese society, culture, infrastructure and institutions may be prepared for, and willing to accept.

With no voice in their own political future, the frustration of China's citizens is growing. The political scientist Murray Scot Tanner cites police figures in the current issue of *National Interest* showing the number and size of protests in China growing rapidly in the 1990s. It is extraordinary that China's ruling party came to power in a peasant revolution, representing the working class, but now faces waves of both worker and rural protests. China's citizens are fed up with corruption, a social and economic ill that China's student demonstrators both recognized and offered a democratic solution for in 1989.

The United States wants to work with China to build a more open and participatory society. David M. Lampton wrote in the Fall 2003 issue of *National Interest* that "Americans must balance the impulse to treat China as it is with the foresight to recognize China for what it may become." China will not match the

United States on every issue. Political change is complex and imperfect, and it will be up to the Chinese people to determine where their country goes and how it gets there. But China's leaders must take the first steps, and the United States must be ready to assist.

Thank you.

PREPARED STATEMENT OF HON. JOSEPH R. PITTS, A U.S. REPRESENTATIVE FROM
PENNSYLVANIA

JUNE 3, 2004

Mr. Chairman, thank you for holding this important hearing on "15 Years After Tiananmen: Is Democracy China's Future?" Today we remember and stand with those who fought for and those who continue to work for freedom and democracy in China. The depth of courage and strength shown during the Tiananmen Square events 15 years ago remains as we continue to meet with and receive reports of democracy and religious leaders beaten, arrested, imprisoned, and tortured for their beliefs.

The repression of basic rights by Chinese officials, particularly related to freedom of speech and freedom of conscience, reflect the intense battle within Chinese society between those who wish to live in freedom and those who wish to exert extreme control over the society and individuals, their actions, speech, and even their thoughts. Yet, accounts clearly reveal that the Chinese people desire laws that protect their freedom, whether it be the freedom to move around the country, freedom to think and verbalize views differing from those of the Central Party, freedom to practice their religion without interference or freedom to creatively explore economic opportunities.

As the U.S. Government implements our on-going dialog with the Chinese government on democracy, human rights, and other vital issues, we must continue to clearly and strongly reflect our support for the Chinese people to practice their fundamental rights. Our commitments and priorities must also be reflected in the programs we support in relation to democracy and civil society in China. I would like to commend Assistant Secretary Craner and State Department personnel in the Bureau of Democracy, Human Rights and Labor for their determination and commitment to pressing these ideals regarding China. I would also like to commend Mr. John Kamm and others who, through creative dialog and relationships, have been key to effective work in the release of prisoners and progress on human rights issues. It is through the work of men and women in our government, in business, in NGOs, and in academia that positive progress is being made in China.

Mr. Chairman, this Commission was established to ensure that the Congress and the U.S. Government had a high profile vehicle through which to continue raising concerns about human rights issues in China. The myriad reports we all receive on human rights violations in China underscore the importance of addressing these violations and abuses in deliberate, practical ways. Hearings such as today's are vital in continuing to keep the spotlight on political, religious, labor, democracy, civil society, women's and many other human rights issue in China. I would like to urge that the Commission hold more hearings to spotlight these issues. In addition, we must continue to highlight important activities of the Commission, such as the building of the prisoner data base by Commission staff.

Mr. Chairman, the Chinese people deserve to live in a nation in which their government protects their rights. Thank you for holding today's hearing—I look forward to hearing from today's distinguished witnesses.

SUBMISSION FOR THE RECORD

CHINA'S CHANGING OF THE GUARD

AUTHORITARIAN RESILIENCE

BY ANDREW J. NATHAN

*Andrew J. Nathan is Class of 1919 Professor of Political Science at Columbia University. He is co-editor with Perry Link of *The Tiananmen Papers* (2001) and co-author with Bruce Gilley of *China's New Rulers: The Secret Files* (2002).*

After the Tiananmen crisis in June, 1989, many observers thought that the rule of the Chinese Communist Party (CCP) would collapse. Instead, the regime brought inflation under control, restarted economic growth, expanded foreign trade, and increased its absorption of foreign direct investment. It restored normal relations with the G-7 countries that had imposed sanctions, resumed the exchange of summits with the United States, presided over the retrocession of Hong Kong to Chinese sovereignty, and won the right to hold the 2008 Olympics in Beijing. It arrested or exiled political dissidents, crushed the fledgling China Democratic Party, and seems to have largely suppressed the Falun Gong spiritual movement.

Many China specialists and democracy theorists—myself among them—expected the regime to fall to democratization's "third wave."¹ Instead, the regime has re-consolidated itself.² Regime theory holds that authoritarian systems are inherently fragile because of weak legitimacy, overreliance on coercion, overcentralization of decision making, and the predominance of personal power over institutional norms. This particular authoritarian system, however, has proven resilient.

The causes of its resilience are complex. But many of them can be summed up in the concept of institutionalization—understood either in the currently fashionable sense of behavior that is constrained by formal and informal rules, or in the older sense summarized by Samuel P. Huntington as consisting of the adaptability, complexity, autonomy, and coherence of state organizations.³ This article focuses on four aspects of the CCP regime's institutionalization: (1) the increasingly norm-bound nature of its succession politics; (2) the increase in meritocratic as opposed to factional considerations in the promotion of political elites; (3) the differentiation and functional specialization of institutions within the regime; and (4) the establishment of institutions for political participation and appeal that strengthen the CCP's legitimacy among the public at large. While these developments do not guarantee that the regime will be able to solve all the challenges that it faces, they do caution against too-hasty arguments that it cannot adapt and survive.

NORM-BOUND SUCCESSION POLITICS

As this article is published, the Chinese regime is in the middle of a historic demonstration of institutional stability: its peaceful, orderly transition from the so-called third generation of leadership, headed by Jiang Zemin, to the fourth, headed by Hu Jintao. Few authoritarian regimes—be they communist, fascist, corporatist, or personalist—have managed to conduct orderly, peaceful, timely, and stable successions. Instead, the moment of transfer has almost always been a moment of crisis—breaking out ahead of or behind the nominal schedule, involving purges or arrests, factionalism, sometimes violence, and opening the door to the chaotic intrusion into the political process of the masses or the military. China's current succession displays attributes of institutionalization unusual in the history of authoritarianism and unprecedented in the history of the PRC. It is the most orderly, peaceful, deliberate, and rule-bound succession in the history of modern China outside of the recent institutionalization of electoral democracy in Taiwan.⁴

Hu Jintao, the new general secretary of the CCP as of the Sixteenth Party Congress in November 2002, has held the position of successor-apparent for ten years. Four of the other eight top-ranking appointments (Wu Bangguo, Wen Jiabao, Zeng Qinghong, and Luo Gan) had been decided a year or two in advance. The remaining four members of the Politburo Standing Committee (PBSC) were simply elevated from the outgoing Politburo. Barring a major crisis, the transition will continue to an orderly conclusion in March 2003, leading to the election of Hu Jintao as state president and chairman of the Central Military Commission, Wu Bangguo as chair of the National People's Congress (NPC), and Wen Jiabao as premier. Outgoing officials President Jiang Zemin, NPC Chair Li Peng, and Premier Zhu Rongji will leave

their state offices, having already left their Party offices in the fall, and will cease to have any direct role in politics.

It takes some historical perspective to appreciate this outcome for the achievement that it is. During the Mao years, Party congresses and National People's Congresses seldom met, and when they did it was rarely on schedule. There have never before been effective terms of office or age limits for persons holding the rank of "central leader"; Mao and Deng each exercised supreme authority until the end of his life. Nor has there ever been an orderly assumption of office by a designated successor: Mao purged Liu Shaoqi, the president of the PRC, by having Red Guards seize him and put him in prison, where he died. Mao's officially designated successor, Lin Biao, allegedly tried to seize power from Mao, was discovered, and died in a plane crash while fleeing. Mao appointed Hua Guofeng as his successor simply by stating that Hua was his choice. Hua was removed from office at Deng Xiaoping's behest before Hua's term of office was over. Deng removed from power both of his own chosen successors, Hu Yaobang and Zhao Ziyang. Deng and the other elders overrode the Politburo in 1989 to impose Jiang Zemin as successor to the Party leadership.

Measured against these historical precedents, the current succession displays many firsts, all indicative of institutionalization:

- Jiang Zemin survived his full allotted time in office. He was installed as general secretary in 1989, and was reelected in 1992 and 1997, serving two-and-a-half terms (he assumed the Central Military Commission chairmanship in 1989 and the state presidency in 1992). His patron, Deng, did not remove him from office (although Deng considered doing so in 1992). Although Jiang was called to the top post in Beijing over the heads of Li Peng and Li Ruihuan, and had at times adversarial relations with both of them, neither tried to replace him. In consolidating his authority, Jiang engineered the fall from power of Yang Shangkun in 1992 and Qiao Shi in 1997, but neither of these men tried to unseat him.
- Jiang did not stay in office past the time when, according to the rules, he should have left office. In 1997, the Politburo established by consensus a new, informal rule that senior leaders should not be reappointed to another term after they reach the age of 70. When this rule was established, Jiang was 71, but he had himself declared a one-time exception to it, promising to retire in 2002. This promise, along with the fact that he would be 76 in 2002, were the main reasons why no serious consideration was given to his remaining in office, even though there was much speculation in the international press that he was trying to stay. The age-70 rule will also make it necessary for Jiang to retire from the post of Central Military Commission chairman, a post for which there have never been either term or age limits, and to which the 1997 decision did not explicitly apply. Jiang's third post, the state presidency, is limited by the Constitution to two terms, which he has already served.
- Jiang Zemin was the first leader in the history of the People's Republic of China (PRC) not to select his own successor. Mao chose several successors for himself (Liu Shaoqi, Lin Biao, and Hua Guofeng). So did Deng (Hu Yaobang, Zhao Ziyang, and Jiang Zemin). By contrast, Deng Xiaoping made Hu Jintao the PBSC's youngest member in 1992, and for the entire ten years of Hu's incumbency as informal successor designate, Jiang Zemin did not challenge Hu's position. The incoming premier, Wen Jiabao, was recommended by Zhu Rongji over Jiang's choices, Wu Bangguo and Li Changchun.
- The retired elders (consisting after 1997 of Wan Li, Qiao Shi, Song Ping, Liu Huaqing, and several others) did not attempt to intervene in the succession or, indeed, in any decision. The right of three earlier elders (Deng Xiaoping, Chen Yun, and Li Xiannian) to intervene had been established by a secret Politburo resolution in 1987 and was reinforced by Deng's chairmanship of the Central Military Commission. This right was exercised to decisive effect during the 1989 Tiananmen crisis.⁵ In 1997, Deng Xiaoping, the last of the three elders, died. A new group of elders was created by the retirements of Qiao Shi and others from the PBSC. The 1987 Politburo resolution was not renewed for them, nor did any of them sit on the CMC. These new elders received intra-Party documents and occasionally expressed their views,⁶ but they did not attend Politburo meetings or exercise any decision-making power.
- The military exercised no influence over the succession. Although some senior military officers spoke in favor of Jiang's staying on in the position of CMC chair, they were ignored. They expressed no views on any other issue relating to the transfer of power. The succession of uniformed officers within the CMC echoes that in the civilian hierarchy: Senior officers associated with Jiang Zemin and over the age of 70—Fu Quanyou and Yu Yongbo—have retired, to be replaced by a younger generation of officers. Following a tradition set in place in 1997, no uni-

formed officer was elected to the PBSC; the military representatives in Party Center were seated in the Politburo.

- The selection of the new Politburo was made by consensus within the old Politburo. The process was, to be sure, dominated by the senior members, and each of them tried and succeeded in placing associates in the successor body. But these factional considerations were played out within limits imposed by the need for a leadership consensus. None of the top leaders—Jiang, Li Peng, or Zhu Rongji—was powerful enough to force a nominee on his colleagues against their wills.

Never before in PRC history has there been a succession whose arrangements were fixed this far in advance, remained so stable to the end, and whose results so unambiguously transferred power from one generation of leaders to another. It is not that factions no longer exist, but that their powers are now in a state of mutual balance and that they have all learned a thing or two from the PRC's history. Political factions today have neither the power nor, perhaps more importantly, the will to upset rules that have been painfully arrived at. The absence of anyone with supreme power to upset these rules helps make them self-reinforcing.

MERITOCRACY MODIFIES FACTIONALISM

Factional considerations played a role in the succession process. But they were constrained by a twenty-year process of meritocratic winnowing that limited the list of candidates who could be considered in the final jockeying for position. Certainly, except for the period of the Cultural Revolution (1966–76), there have always been both meritocratic and factional elements in promotions within the Chinese party-state. But until now, even at the most meritocratic times, the major criteria for promotion at the top were the ability to shift with changing political lines and personal loyalty to the top leader—first Mao Zedong, then Deng Xiaoping. While those among the new leading group are ideologically alert and politically savvy, and have mostly allied themselves with one senior leader or another, they rose to the top predominantly because of administrative skill, technical knowledge, educational background, and Party, rather than personal loyalty.

Political factions today have neither the power nor the will to upset rules that have been painfully arrived at. The absence of anyone with supreme power to upset these rules helps make them self-reinforcing.

The start of this process was Deng Xiaoping's 1980 instruction to senior Party leaders to undertake a "four-way transformation" (*sihua*) of the cadre corps by finding and promoting cadres around the age of 40 who were "revolutionary, younger, more educated, and more technically specialized" (*geminghua, nianqinghua, zhishihua, zhuanqiyehua*). In this way, Hu Jintao was promoted several levels by the CCP first secretary of Gansu Province, where he was then working; Wu Bangguo was promoted to party secretary of Shanghai's science and technology commission; and Wen Jiabao became deputy head of the provincial geology bureau in Gansu. The story was more or less the same for each member of the new Politburo.

In 1983, the CCP's Organization Department created a list of the most promising cadres of the "four transformations" generation, which it turned to whenever it needed to recommend a younger cadre for a post carrying ministerial rank. Hu Jintao was selected from this list to become Party secretary of Guizhou, Wen Jiabao to become deputy head of the powerful Central Party Office, and so on. The same cadre rejuvenation policy led Deng to order that someone younger than 50 be appointed to the Fourteenth Politburo Standing Committee in 1992. That choice fell upon Hu Jintao, so that his current accession to the position of General Secretary marks the orderly working out of the same process set in motion 20 years earlier.

Five of the nine members of today's new PBSC were members or alternate members of the Central Committee in 1982. This indicates the deliberateness and regularity of the succession process. The need to select PBSC members from the relatively small pool of candidates who survived the twenty-year selection process constrained the way in which factionalism worked between 2000 and 2002. Jiang Zemin could make the case for Zeng Qinghong or Zeng Peiyan, Li Peng for Luo Gan, and Zhu Rongji for Wen Jiabao, only on the basis of each person's excellent performance over the course of two decades in technically and administratively challenging jobs, and not because of symbolic importance (for example, Mao's promotion of Chen Yonggui) or ideological correctness (Mao's promotion of the so-called Gang of Four).

A norm of staff neutrality has become to some degree accepted at high levels within the Party Center, the State Council, and the Central Military Commission, so that the careers of rising stars have been relatively unperturbed by factional turmoil at the top. When Zhao Ziyang was purged in 1989, a few of his associates were immediately purged, but most of them were gradually moved into secondary bureaucratic posts over the course of the next couple of years. Some even continued to ad-

vance in their careers. Wen Jiabao, for example, served eight consecutive years as director of the powerful Party Central Office under three different general secretaries (Hu Yaobang, Zhao Ziyang, and Jiang Zemin). In contrast to the old spoils-like practices in which a leader's purge led quickly to the rooting-out of his followers several levels down the political system, the new system limits the damage that factional strife does to the orderly careers of the rising generation of leaders.

The product of this less factionalized, more regularized process is a competent leadership group that has high morale; that is politically balanced in representing different factions in the Party; that lacks one or two dominant figures, and is thus structurally constrained to make decisions collectively; and that is probably as collegial as any political leadership can be, because all the members came to the top through the same process, which they all view as having been broadly fair.⁷

Whether this event sets the template for future successions remains uncertain, but the chances of that happening are increased insofar as the current succession entrenches—as it does—rules that have elite support (for example, the age-70 rule), historical depth (the rules governing the meritocratic promotion system), and structural reinforcement from the informal political structure of balanced factional power.

INSTITUTIONAL DIFFERENTIATION WITHIN THE REGIME

At the high point of political reform in 1987, Zhao Ziyang proposed the “separation of Party and government” and the “separation of Party and enterprise.” With Zhao's fall from power in 1989, these ideas were abandoned. Yet in the intervening 14 years, much of what he proposed has happened by evolution, as the separation of responsibilities and spheres of authority—which Max Weber saw as definitive characteristics of the modern state—has gradually increased. What belongs to a given agency to handle is usually handled by that agency not only without interference, but with a growing sense that interference would be illegitimate.

One group of specialists, located in the Party Center, manages ideology, mobilization, and propaganda (in the outgoing regime, it included people like Jiang Zemin, Li Ruihuan, Hu Jintao, and Zeng Qinghong). Another group, located in the State Council, makes economic policy (including Premier Zhu Rongji, vice-premiers Wen Jiabao and Wu Bangguo, most State Council members, and most provincial governors and Party secretaries). Provincial-level governors and Party secretaries have an increasingly wide scope to set local policy in such areas as education, health, welfare, the environment, foreign investment, and economic development. Many large state enterprises have now been removed from state ownership or placed under joint state-private ownership. Enterprise-management decisions are made on predominantly economic rather than political bases. State Council members, provincial-level officials, and enterprise managers are selected increasingly for their policy-relevant expertise. And economic policy makers at all levels suffer less and less frequently from intervention by the ideology-and-mobilization specialists.

The NPC has become progressively more autonomous, initiating legislation and actively reviewing and altering the proposals for legislation presented to it.⁸ The police and courts remain highly politicized, but in the case of the courts, at least, a norm of judicial independence has been declared (in the 1994 Judges' Law and elsewhere) and judges are applying it more often in economic and criminal cases that are not sensitive enough to draw interference from Party authorities.

The military is still a “Party army,” but it has also become smaller, more technically competent, and more professional. The officers being promoted to the CMC in the current succession are, as a group, distinguished more for their professional accomplishments and less for their political loyalties than was the case with previous CMC cohorts.⁹ Calls have come, apparently from the younger members of the officer corps, to make the army a nonpartisan national force without the obligation to defend a particular ruling party. And although the incoming leader, Hu Jintao, has rejected these calls, the fact that they were voiced at all is a sign of a growing professional ethos within military ranks.¹⁰

All Chinese media are owned (at least formally, and for the most part actually) by Party and state agencies. But the media have become more commercialized and therefore less politicized. A handful of important outlets remain under variously direct control by the Party's propaganda department—for instance, People's Daily, the New China News Agency, China Central Television, provincial-level Party newspapers, the army newspaper, and so on. But to some extent, these media—and even more so, other newspapers, magazines, and radio or television stations around the country—fight for market share by covering movie and pop stars, sports, and scandals. In the political domain, they often push the envelope of what the regime considers off-limits by investigating stories about local corruption and abuses of power.

To be sure, the Chinese regime is still a party-state, in which the Party penetrates all other institutions and makes policy for all realms of action. And it is still a centralized, unitary system in which power at lower levels derives from grants by the center. But neither the top leader nor the central Party organs interfere as much in the work of other agencies as was the case under Mao and (less so) Deng. Ideological considerations have only marginal, if any, influence on most policy decisions. And staff members are promoted increasingly on the basis of their professional expertise in a relevant area.

All of this is partly to say, as has often been said before, that the regime is pragmatic. But behind the attitude of pragmatism lie increased institutional complexity, autonomy, and coherence—attributes that according to Huntington's theory should equip the regime to adapt more successfully to the challenges it faces.

INPUT INSTITUTIONS AND POLITICAL LEGITIMACY

One of the puzzles of the post-Tiananmen period has been the regime's apparent ability to rehabilitate its legitimacy (defined as the public's belief that the regime is lawful and should be obeyed) from the low point of 1989, when vast, nationwide prodemocracy demonstrations revealed the disaffection of a large segment of the urban population.

General theories of authoritarian regimes, along with empirical impressions of the current situation in China, might lead one to expect that the regime would now be decidedly low on legitimacy: Although authoritarian regimes often enjoy high legitimacy when they come to power, that legitimacy usually deteriorates for want of democratic procedures to cultivate ongoing consent. In the case of contemporary China, the regime's ideology is bankrupt. The transition from a socialist to a quasimarket economy has created a great deal of social unrest. And the regime relies heavily on coercion to repress political and religious dissent.

Direct evidence about attitudes, however, shows the contrary. In a 1993 nationwide random-sample survey conducted by Tianjian Shi, 94. One percent of respondents agreed or strongly agreed with the statement that, "We should trust and obey the government, for in the last analysis it serves our interests." A 2002 survey by Shi found high percentages of respondents who answered similarly regarding both the central and local governments.¹¹ There is much other evidence from both quantitative and qualitative studies to suggest that expressions of dissatisfaction, including widely reported worker and peasant demonstrations, are usually directed at lower-level authorities, while the regime as a whole continues to enjoy high levels of acceptance.

A number of explanations can be offered for this pattern. Among them:

- Most people's living standards have risen during two decades of economic growth.
- The Party has coopted elites by offering Party membership to able persons from all walks of life and by granting the informal protection of property rights to private entrepreneurs. This new direction in Party policy has been given ideological grounding in Jiang Zemin's theory of the "Three Represents," which says that the Party should represent advanced productive forces, advanced culture, and the basic interests of all the Chinese working people—that is, that it should stand for the middle classes as much as or more than the workers and peasants.
- The Chinese display relatively high interpersonal trust, an attitude that precedes and fosters regime legitimacy.¹²
- The Chinese population favors stability and fears political disorder. By pointing to the example of postcommunist chaos in Russia, the CCP has persuaded most Chinese, including intellectuals—from whom criticism might be particularly expected—that political reform is dangerous to their welfare.
- Thanks to the success of political repression, there is no organized alternative to the regime.
- Coercive repression—in 1989 and after—may itself have generated legitimacy by persuading the public that the regime's grip on power is unshakeable. Effective repression may generate only resigned obedience at first, but to maintain cognitive consonance, citizens who have no choice but to obey a regime may come to evaluate its performance and responsiveness (themselves components of legitimacy) relatively highly.¹³ In seeking psychological coherence, citizens may convince themselves that their acceptance of the regime is voluntary—precisely because of, not despite, the fact that they have no alternative.

All these explanations may have value. Here, though, I would like to develop another explanation, more directly related to this essay's theme of institutionalization: The regime has developed a series of input institutions (that is, institutions that people can use to apprise the state of their concerns) that allow Chinese to believe

that they have some influence on policy decisions and personnel choices at the local level.

The most thorough account of these institutions is Tianjian Shi's Political Participation in Beijing, which, although researched before 1989, describes institutions that are still in place. According to Shi, Chinese participate at the local and work-unit levels in a variety of ways. These include voting, assisting candidates in local-level elections, and lobbying unit leaders. Participation is frequent, and activism is correlated with a sense of political efficacy (defined as an individual's belief that he or she is capable of having some effect on the political system). Shi's argument is supported by the work of Melanie Manion, who has shown that in localities with competitive village elections, leaders' policy positions are closer to those of their constituents than in villages with noncompetitive voting.¹⁴

In addition to the institutions discussed by Shi and Manion, there are at least four other sets of input institutions that may help to create regime legitimacy at the mass level:

- The Administrative Litigation Act of 1989 allows citizens to sue government agencies for alleged violations of government policy. According to Minxin Pei, the number of suits stood in 1999 at 98,600. The success rate (determined by court victories plus favorable settlements) has ranged from 27 percent to around 40 percent. In at least one province, government financial support is now offered through a legal aid program to enable poor citizens to take advantage of the program.¹⁵
- Party and government agencies maintain offices for citizen complaints—letters-and-visits departments (*xinfangju*)—which can be delivered in person or by letter. Little research has been done on this process, but the offices are common and their ability to deal with individual citizen complaints may be considerable.
- As people's congresses at all levels have grown more independent—along with people's political consultative conferences, United Front structures that meet at each level just prior to the meeting of the people's congress—they have become an increasingly important channel by which citizen complaints may be aired through representatives.
- As the mass media have become more independent and market driven, so too have they increasingly positioned themselves as tribunes of the people, exposing complaints against wrong-doing by local-level officials.

These channels of demand- and complaint-making have two common features. One is that they encourage individual rather than group-based inputs, the latter of which are viewed as threatening by the regime. The other is that they focus complaints against specific local-level agencies or officials, diffusing possible aggression against the Chinese party-state generally. Accordingly, they enable citizens to pursue grievances without creating the potential to threaten the regime as a whole.

AN AUTHORITARIAN TRANSITION?

Despite the institutionalization of orderly succession processes, meritocratic promotions, bureaucratic differentiation, and channels of mass participation and appeal, the regime still faces massive challenges to its survival. This essay does not attempt to predict whether the regime will surmount them. What we can say on available evidence is that the regime is not supine, weak, or bereft of policy options. In contrast with the Soviet and Eastern European ruling groups in the late 1980s and early 1990s, the new Chinese leaders do not feel that they are at the end of history. The policy-statement excerpts contained in their investigation reports show that these leaders think they can solve China's problems.¹⁶ They intend to fight corruption; reform the state-owned enterprises; ameliorate the lot of the peasants; improve the environment; comply with World Trade Organization rules while using transitional privileges to ease China's entry into full compliance; suppress political opposition; meet the challenge of U.S. containment; and, above all, stay in power and direct China's modernization. The argument that democratization, freedom, and human rights would lead to a truer kind of stability—as convincing as it may be to the democrats of the world—holds no appeal for these men.

The theoretical implications of China's authoritarian resilience are complex. For the last half-century, scholars have debated whether totalitarian regimes can adapt to modernity. The implications of the Chinese case for this discussion are two: First, in order to adapt and survive, the regime has had to do many of the things predicted by Talcott Parsons and those who elaborated his theory: The regime has had to (1) abandon utopian ideology and charismatic styles of leadership; (2) empower a technocratic elite; (3) introduce bureaucratic regularization, complexity, and specialization; and (4) reduce control over private speech and action. Second, contrary to the Parsonian prediction, these adaptations have not led to regime change. In Richard Lowenthal's terms, the regime has moved "from utopia to development."¹⁷

But the Party has been able to do all these things without triggering a transition to democracy.

Although such a transition might still lie somewhere in the future, the experience of the past two decades suggests that it is not inevitable. Under conditions that elsewhere have led to democratic transition, China has made a transition instead from totalitarianism to a classic authoritarian regime, and one that appears increasingly stable.

Of course, neither society-centered nor actor-centered theories of democratic transition predict any particular outcome to be inevitable in any particular time frame. The Chinese case may, accordingly, merely reinforce the lesson that the outcome depends on politicians and their will to power. Alternatively, it may end up reminding us that democratic transition can take a long time. But it may also suggest a more disturbing possibility: that authoritarianism is a viable regime form even under conditions of advanced modernization and integration with the global economy.

NOTES

¹ As an example, see the multi-author symposium on Chinese democracy in *Journal of Democracy* 9 (January 1998).

² In other words, to adapt a concept from democratic consolidation theory, the CCP has once again made itself the only game in town and is in the process of carrying out a successful transfer of power.

³ Samuel P. Huntington, *Political Order in Changing Societies* (New Haven: Yale University Press, 1968), 12–24.

⁴ The factual base for this discussion is contained in Andrew J. Nathan and Bruce Gilley, *China's New Rulers: The Secret Files* (New York: New York Review Books, 2002), and is summarized in two articles in the *New York Review of Books*, 26 September and 10 October 2002. These publications are in turn based on Zong Hairen, *Disidai* (The Fourth Generation) (Carle Place, N.Y.: Mirror Books, 2002). Zong Hairen's account of the new generation of Chinese leaders is based on material contained in internal investigation reports on candidates for the new Politburo compiled by the Chinese Communist Party's Organization Department.

⁵ The Tiananmen Papers: The Chinese Leadership's Decision to Use Force Against Their Own People—In Their Own Words, Zhang Liang, comp., Andrew J. Nathan and Perry Link, eds. (New York: PublicAffairs Books, 2001), 102, n. 1, and *passim*.

⁶ Zong Hairen, *Zhu Rongji zai 1999* (Zhu Rongji in 1999) (Carle Place, N.Y.: Mingjing Chubanshe, 2001); English translation edited by Andrew J. Nathan in *Chinese Law and Government* (January–February and March–April 2002).

⁷ Like any meritocratic process, of course, this one had elements of contingency. Hu Jintao's career is a good example, in particular his 1992 selection from among four candidates as the representative of the Fourth Generation to join the PBSC.

⁸ Michael Dowdle, "The Constitutional Development and Operations of the National People's Congress," *Columbia Journal of Asian Law* 12 (Spring 1997): 1–125.

⁹ *Disidai*, ch. 11.

¹⁰ *Disidai*, ch. 1.

¹¹ The 1993 survey was conducted for the project on "Political Culture and Political Participation in Mainland China, Taiwan, and Hong Kong." The 2002 survey was conducted for the project on "East Asia Barometer: Comparative Survey of Democratization and Value Changes." Data courtesy of Tianjian Shi.

¹² Ronald Inglehart, *Modernization and Postmodernization: Cultural, Economic, and Political Change in 43 Societies* (Princeton: Princeton University Press, 1997), 173, n. 2. Also Tianjian Shi, "Cultural Impacts on Political Trust: A Comparison of Mainland China and Taiwan," *Comparative Politics* 33 (July 2001): 401–19.

¹³ On components of legitimacy, see M. Stephen Weatherford, "Measuring Political Legitimacy," *American Political Science Review* 86 (March 1992): 149–66. The relationship I am proposing between successful coercion and legitimacy is hypothetical; so far as I know it has not been empirically established.

¹⁴ Tianjian Shi, *Political Participation in Beijing* (Cambridge: Harvard University Press, 1997); Melanie Manion, "The Electoral Connection in the Chinese Countryside," *American Political Science Review* 90 (December 1996): 736–48.

¹⁵ Minxin Pei, "Citizens v. Mandarins: Administrative Litigation in China," *China Quarterly* (December 1997): 832–62, and personal communication. On legal aid, see *Disidai*, ch. 7; the province is Guangdong.

¹⁶ See Andrew J. Nathan and Bruce Gilley, *New Rulers*, chs. 7, 8.

¹⁷ Talcott Parsons, *The Social System* (New York: Free Press, 1951), 525–35; Richard Lowenthal, "Development vs. Utopia in Communist Policy," in Chalmers Johnson, ed., *Change in Communist Systems* (Stanford: Stanford University Press, 1970), 331–16.